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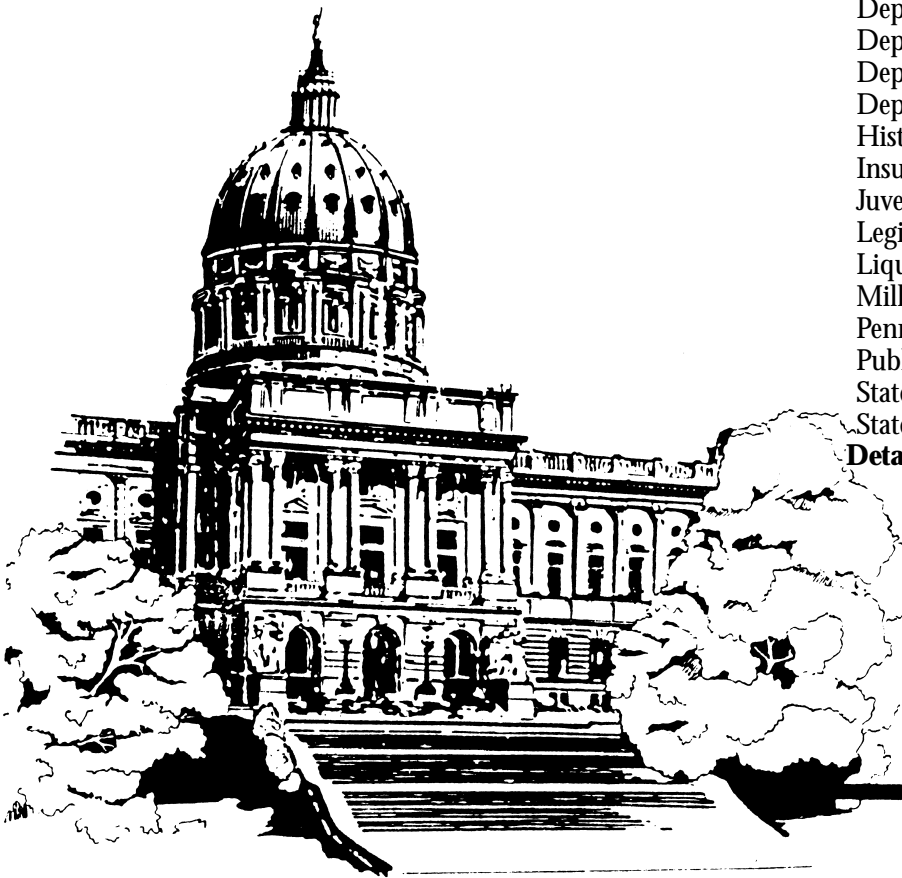
# PENNSYLVANIA BULLETIN

Volume 32  
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Number 33  
Pages 4021—4112

**Agencies in this issue:**

The Governor  
The Courts  
Department of Agriculture  
Department of Banking  
Department of Conservation and Natural  
Resources  
Department of Environmental Protection  
Department of General Services  
Department of Health  
Department of Revenue  
Department of Transportation  
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Insurance Department  
Juvenile Court Judges' Commission  
Legislative Reference Bureau  
Liquor Control Board  
Milk Marketing Board  
Pennsylvania Public Utility Commission  
Public School Employees' Retirement Board  
State Employees' Retirement Board  
State Ethics Commission

**Detailed list of contents appears inside.**



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(Master Transmittal Sheet):**

**No. 333, August 2002**

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# READER'S GUIDE TO THE PENNSYLVANIA BULLETIN AND PENNSYLVANIA CODE

## ***Pennsylvania Bulletin***

The *Pennsylvania Bulletin* is the official gazette of the Commonwealth of Pennsylvania. It is published every week and includes a table of contents. A cumulative subject matter index is published quarterly.

The *Pennsylvania Bulletin* serves several purposes. First, it is the temporary supplement to the *Pennsylvania Code*, which is the official codification of agency rules and regulations and other statutorily authorized documents. Changes in the codified text, whether by adoption, amendment, repeal or emergency action must be published in the *Pennsylvania Bulletin*. Further, agencies proposing changes to the codified text do so in the *Pennsylvania Bulletin*.

Second, the *Pennsylvania Bulletin* also publishes: Governor's Executive Orders; State Contract Notices; Summaries of Enacted Statutes; Statewide and Local Court Rules; Attorney General Opinions; Motor Carrier Applications before the Public Utility Commission; Applications and Actions before the Department of Environmental Protection; Orders of the Independent Regulatory Review Commission; and other documents authorized by law.

The text of certain documents published in the *Pennsylvania Bulletin* is the only valid and enforceable text. Courts are required to take judicial notice of the *Pennsylvania Bulletin*.

## **Adoption, Amendment or Repeal of Regulations**

Generally an agency wishing to adopt, amend or repeal regulations must first publish in the *Pennsylvania Bulletin* a Notice of Proposed Rulemaking. There are limited instances where the agency may omit the proposal step; they still must publish the adopted version.

The Notice of Proposed Rulemaking contains the full text of the change, the agency contact person, a fiscal note required by law and background for the action.

The agency then allows sufficient time for public comment before taking final action. An adopted proposal must be published in the *Pennsylvania*

*Bulletin* before it can take effect. If the agency wishes to adopt changes to the Notice of Proposed Rulemaking to enlarge the scope, they must re-propose.

## **Citation to the *Pennsylvania Bulletin***

Cite material in the *Pennsylvania Bulletin* by volume number and page number. Example: Volume 1, *Pennsylvania Bulletin*, page 801 (short form: 1 Pa.B. 801).

## ***Pennsylvania Code***

The *Pennsylvania Code* is the official codification of rules and regulations issued by Commonwealth agencies and other statutorily authorized documents. The *Pennsylvania Bulletin* is the temporary supplement to the *Pennsylvania Code*, printing changes as soon as they occur. These changes are then permanently codified by the *Pennsylvania Code Reporter*, a monthly, loose-leaf supplement.

The *Pennsylvania Code* is cited by title number and section number. Example: Title 10 *Pennsylvania Code*, § 1.1 (short form: 10 Pa.Code § 1.1).

Under the *Pennsylvania Code* codification system, each regulation is assigned a unique number by title and section. Titles roughly parallel the organization of Commonwealth government. Title 1 *Pennsylvania Code* lists every agency and its corresponding *Code* title location.

## **How to Find Documents**

Search for your area of interest in the *Pennsylvania Code*.

The *Pennsylvania Code* contains, as Finding Aids, subject indexes for the complete *Code* and for each individual title, a list of Statutes Used As Authority for Adopting Rules and a list of annotated cases. Source Notes give you the history of the documents. To see if there have been recent changes, not yet codified, check the List of *Pennsylvania Code* Chapters Affected in the most recent issue of the *Pennsylvania Bulletin*.

The *Pennsylvania Bulletin* also publishes a quarterly List of Pennsylvania Code Sections Affected which lists the regulations in numerical order, followed by the citation to the *Pennsylvania Bulletin* in which the change occurred.

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### Printing Format

Material proposed to be added to an existing rule or regulation is printed in **bold face** and material proposed to be deleted from such a rule or regulation is enclosed in brackets [ ] and printed in **bold face**. Asterisks indicate ellipsis of *Pennsylvania Code* text retained without change. Proposed new or additional regulations are printed in ordinary style face.

### Fiscal Notes

Section 612 of The Administrative Code of 1929 (71 P. S. § 232) requires that the Office of Budget prepare a fiscal note for regulatory actions and administrative procedures of the administrative departments, boards, commissions or authorities receiving money from the State Treasury stating whether the proposed action or procedure causes a loss of revenue or an increase in the cost of programs for the Commonwealth or its political subdivisions; that the fiscal note be published in the *Pennsylvania Bulletin* at the same time as the proposed change is advertised; and that the fiscal note shall provide the following information: (1) the designation of the fund out of which the appropriation providing for expenditures under the action or procedure shall be made; (2) the probable cost for the fiscal year the program is implemented; (3) projected cost estimate of the program for each of the five succeeding fiscal years; (4) fiscal history of the program for which expenditures are to be made; (5) probable loss of revenue for the fiscal year of its implementation; (6) projected loss of revenue from the program for each of the five succeeding fiscal years; (7) line item, if any, of the General Appropriation Act or other appropriation act out of which expenditures or losses of Commonwealth funds shall occur as a result of the action or procedures; (8) recommendation, if any, of the Secretary of the Budget and the reasons therefor.

The required information is published in the foregoing order immediately following the proposed change to which it relates; the omission of an item indicates that the agency text of the fiscal note states that there is no information available with respect thereto. In items (3) and (6) information is set forth for the first through fifth fiscal years; in that order, following the year the program is implemented, which is stated. In item (4) information is set forth for the current and two immediately preceding years, in that order. In item (8) the recommendation, if any, made by the Secretary of Budget is published with the fiscal note. See 4 Pa. Code § 7.231 *et seq.* Where “no fiscal impact” is published, the statement means no additional cost or revenue loss to the Commonwealth or its local political subdivision is intended.

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# List of Pa. Code Chapters Affected

The following numerical guide is a list of the chapters of each title of the *Pennsylvania Code* affected by documents published in the *Pennsylvania Bulletin* during 2002.

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# THE GOVERNOR

## Title 4—GOVERNOR'S OFFICE

### [4 PA. CODE CH. 6]

[EXECUTIVE ORDER NO. 2002-2 AS AMENDED]

#### Governor's Task Force on Early Childhood Care and Education

July 15, 2002

*Whereas*, all infants are born ready to learn; and

*Whereas*, the majority of a child's brain development occurs in the first five years of a child's life, building the foundation for future learning and success; and

*Whereas*, the Commonwealth has a duty to assess every setting where our children spend their days, whether under the care of their parents, a relative, neighbor, or a center-based setting; and


*Whereas*, early identification of developmental delay and other risk factors is crucial to improving a child's individual linguistic, cognitive, social, and emotional development and thus, school readiness; and

*Whereas*, involved, informed parents, caregivers, and educators are critical to ensure the early identification of developmental delay; and

*Whereas*, school readiness is a critical workforce issue, with early skill building leading to greater academic achievement and graduates with the knowledge necessary to allow Pennsylvania to compete in the 21st Century economy; and

*Whereas*, it is the duty of the Commonwealth to invest resources on research-based, cost-effective programs or models with a documented record of success.

*Now, Therefore*, I, Mark S. Schweiker, Governor of the Commonwealth of Pennsylvania, by virtue of the authority vested in me by the Constitution of the Commonwealth of Pennsylvania and other laws, do hereby establish the Governor's Task Force on Early Childhood Care and Education.



Governor

**Fiscal Note:** GOV 02-8. No fiscal impact; (8) recommends adoption. Federal funds will be used to pay for the costs of this task force. This Executive Order was previously submitted as GOV 02-2.

#### Annex A

#### TITLE 4. ADMINISTRATION

#### PART I. GOVERNOR'S OFFICE

#### CHAPTER 6. ADDITIONAL COUNCILS AND COMMITTEES

#### Subchapter G. GOVERNOR'S TASK FORCE ON EARLY CHILDHOOD CARE AND EDUCATION

#### § 6.63. Composition and appointments.

(a) The Governor's Task Force on Early Childhood Care and Education (Task Force) consists of certain designated public officials and other individuals appointed by the Governor. The membership includes the heads of agencies of the Commonwealth that have responsibilities in the development, funding or regulation of early care and education programming, as well as various early care and education stakeholders. The Task Force consists of the following members:

- (1) The Secretary of Education.
- (2) The Secretary of Public Welfare.
- (3) The Secretary of Health.
- (4) The Physician General.
- (5) Representatives from each of the following stakeholder groups:
  - (i) Child advocacy community.
  - (ii) Business community.
  - (iii) Faith community.
  - (iv) School administrator.
  - (v) Civic, not-for-profit organization.
  - (vi) Statewide professional childcare organization.
  - (vii) Local community partnerships.
  - (viii) Public health/medical community.
  - (ix) Head Start provider.
  - (x) Child care provider.
  - (xi) Family literacy community.
  - (xii) Clinical practitioner (psychologist, psychiatrist).
  - (xiii) Family-based programs.
  - (xiv) K-3 educator.
  - (xv) Philanthropic organization.
  - (xvi) Public outreach and education professional.
- (b) The Governor will designate a member or members to serve as the Task Force Chairperson.
- (c) The Governor's Community Partnership for Safe Children, or its successor entity, shall provide administrative support to the Task Force.
- (d) The Governor will designate an individual or individuals to provide project direction and advice to the Chairperson.
- (e) A Task Force member may designate an alternate to attend Task Force meetings, if required.

[Pa.B. Doc. No. 02-1415. Filed for public inspection August 16, 2002, 9:00 a.m.]

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# THE COURTS

## Title 246—MINOR COURT CIVIL RULES

### PART I. GENERAL

#### [246 PA. CODE CH. 300]

#### Return, Waiver and Failure of Service; Reinstatement

##### Introduction

The Minor Court Rules Committee is planning to recommend that the Supreme Court of Pennsylvania approve a revision to the Note to Pa. R.C.P.D.J. No. 314 to clarify the costs for reinstating a civil complaint. The Committee has not submitted this proposal for review by the Supreme Court of Pennsylvania.

The following explanatory Report highlights the Committee's considerations in formulating this proposal. The Committee's Report should not be confused with the official Committee Notes to the rules. The Supreme Court does not adopt the Committee's Notes or the contents of the explanatory Reports.

The text of the proposed changes precedes the Report. Additions are shown in bold; deletions are in bold and brackets.

We request that interested persons submit suggestions, comments, or objections concerning this proposal to the Committee through counsel,

Michael F. Krimmel, Counsel  
Supreme Court of Pennsylvania  
Minor Court Rules Committee  
5035 Ritter Road, Suite 700  
Mechanicsburg, PA 17055

or e-mail to: [minorcourt.rules@supreme.court.state.pa.us](mailto:minorcourt.rules@supreme.court.state.pa.us)  
no later than Monday, September 9, 2002.

By the Minor Court Rules Committee

THOMAS E. MARTIN, Jr.,  
Chair

##### Annex A

#### TITLE 246. MINOR COURT CIVIL RULES

#### PART I. GENERAL

#### CHAPTER 300. CIVIL ACTION

#### Rule 314. Return, Waiver and Failure of Service; Reinstatement.

\* \* \* \* \*

##### Official Note:

\* \* \* \* \*

Subdivision E provides for the reinstatement, upon written request of the plaintiff, of a complaint that has been dismissed without prejudice for failure to make service under subdivision D. Compare Pa.R.C.P. No. 401(b). The written request for reinstatement may be in

any form and may consist of a notation on the permanent copy of the complaint form, "Reinstatement of complaint requested," subscribed by the plaintiff. The district justice shall mark all copies of the reinstated complaint, "Complaint reinstated. Request for reinstatement filed on \_\_\_\_\_ (date)." If it is necessary to use a new form for the reinstated complaint, the reinstated complaint, except for service portions thereof, shall be an exact copy of the original complaint, although signatures may be typed or printed with the mark "/s/" indicating an actual signature. The language in subdivision E that a complaint may be reinstated "at any time" will permit reinstatement after a faulty service without waiting for further proceedings in the case. Reinstatement must occur within the period of the statute of limitations from the date of the last filing or reinstatement. **[Since a reinstated complaint is merely a continuation of the original action, there is no filing fee for reinstating a complaint. However,] The cost for reinstating a complaint is specified in Section 1725.1 of the Judicial Code, 42 Pa.C.S. § 1725.1. In addition,** there may be additional server costs for service of the reinstated complaint.

Amended October 17, 1975, effective in 90 days; amended effective March 24, 1977; amended April 25, 1979, effective in 30 days; June 30 1982 effective 30 days after July 17, 1982; March 27, 1992, effective June 25, 1992; amended February 12, 2002, effective immediately;  
**Note revised \_\_\_\_\_, effective \_\_\_\_\_.**

##### REPORT

##### *Proposed Revision to the Note to Pa. R.C.P.D.J. No. 314*

##### Clarification Regarding Costs for Reinstating a Complaint

The Committee reviewed the Note to Pa. R.C.P.D.J. No. 314 in response to an inquiry. It was reported to the Committee that there may be confusion among the district justice courts as to what costs, if any, are to be charged when a civil complaint is reinstated pursuant to Rule 314E. The Committee recognized that the Note to Rule 314, as currently written, provides that, "[s]ince a reinstated complaint is merely a continuation of the original action, there is no filing fee for reinstating a complaint." Pa. R.C.P.D.J. No. 314, Note. While this statement is technically correct, the Committee further recognized that Section 1725.1(a)(10) of the Judicial Code, 42 Pa.C.S. § 1725.1(a)(10), specifies costs for the reinstatement of a complaint.<sup>1</sup>

Accordingly, the Committee proposes that the Note to Rule 314 be revised to remove any confusion about the costs for reinstatement of a civil complaint. The revised Note would read, in pertinent part, "[t]he cost for reinstating a complaint is specified in Section 1725.1 of the Judicial Code, 42 Pa.C.S. § 1725.1."

[Pa.B. Doc. No. 02-1416. Filed for public inspection August 16, 2002, 9:00 a.m.]

<sup>1</sup>The cost for reinstating a complaint is currently \$6.50. Under current law, the costs are adjusted annually pursuant to Section 1725.1(f) of the Judicial Code, 42 Pa.C.S. § 1725.1(f).

# Title 249—PHILADELPHIA RULES

## PHILADELPHIA COUNTY

### Adoption of Family Division Rules 1702—1705; President Judge General Court Regulation No. 2002-01

#### Order

And Now, this 30th day of July, 2002, the Board of Judges of Philadelphia County having voted at the Board of Judges' meeting held on May 16, 2002 to adopt Philadelphia Family Division Dependency Rules 1702, 1703, 1704, and 1705, *It Is Hereby Ordered* that Philadelphia Family Division Dependency Rules 1702, 1703, 1704, and 1705 are adopted, as attached, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

This General Court Regulation shall become effective thirty (30) days after publication in the *Pennsylvania Bulletin*. The original General Court Regulation shall be filed with the Prothonotary in a Docket maintained for General Court Regulations issued by the President Judge of the Court of Common Pleas of Philadelphia County, and copies shall be submitted to the Administrative Office of Pennsylvania Courts, the Legislative Reference Bureau, and the Civil Procedural Rules Committee. Copies of the Order shall also be submitted to *American Lawyer Media*, *The Legal Intelligencer*, Jenkins Memorial Law Library, and the Law Library for the First Judicial District.

FREDERICA A. MASSIAH-JACKSON,  
*President Judge,*

#### **Rule 1702. Training for Lawyers Seeking Appointment to the Dependent List**

A lawyer seeking to receive appointments in dependency proceedings shall complete one (1) introductory training of not less than six (6) hours in the field of dependency law and practice, and one (1) Courtroom Observation Program of not less than three hours. In addition, each year lawyers must complete not less than three (3) hours of Continuing Legal Education in the field of dependency law and practice, or related topics in order to maintain their eligibility to receive appointments.

Adopted by the Board of Judges of the Court of Common Pleas on May 16, 2002. Effective 30 days after publication in the *Pennsylvania Bulletin*.

#### **Rule 1703. Eligibility of Lawyers for Dependency Court List**

##### A. List of Qualified Lawyers

The Supervisor of Dependent Court Operations will maintain a list of lawyers who are qualified for appointment in dependency cases.

##### B. Selection of Lawyers

Each lawyer who desires appointment in dependent cases must complete and submit to the Office of the Administrative Judge of the Family Court (hereinafter "OAJFC"):

1. A questionnaire; and
2. A certification that the lawyer has completed his or her required training. The OAJFC will periodically, and not less than four (4) times per year, review all questionnaires and certifications submitted and will designate to

the Supervisor of Dependent Court Operations those lawyers who are qualified to receive appointments.

##### C. Rotation of Appointments

1. Appointments shall ordinarily be made by the Supervisor of Dependent Court Operations, on a fair and equitable basis among lawyers who meet the qualifications set forth herein.

2. The list of eligible lawyers will be updated regularly by the OAJFC and forwarded to the judges assigned to Dependent Court cases.

D. Standards for the Appointment of Counsel in Dependency Cases

A lawyer may be appointed counsel only if that lawyer:

1. Has been admitted to the Bar of the Pennsylvania Supreme Court;

2. Has completed at least one (1) introductory training of not less than six hours in the field of dependency law and practice, and one (1) Courtroom Observation Program of not less than three (3) hours, which is certified by the judge observed;

3. Has within the last year completed at least one (1) Continuing Legal Education program of not less than three (3) hours in the field of dependency law and practice, or related topics;

4. Is familiar with the Pennsylvania Juvenile Act, the Philadelphia Court of Common Pleas Juvenile Court Rules, and other relevant law and regulations;

5. Is reasonably available to accept appointment and maintain representation until discharged by the Court; and

6. Is approved by the Office of the Administrative Judge of Family Court

##### E. Lawyers Sanctions

1. In an individual proceeding, any party to a proceeding may request that the Trial Judge remove a lawyer from that case where the lawyer fails to substantially comply with the requirements of the rules herein or with the Rules of Professional Conduct. If the Trial Judge determines that the removal of the lawyer is warranted, the Judge shall forward such determination and the reasons therefor, in writing, to the OAJFC, and shall immediately appoint new counsel.

2. The Supervisor of Dependent Court Operations will identify to the OAJFC any lawyer who, though qualified, consistently refuses to accept appointment.

3. The Supervisor of Dependent Court Operations shall receive and forward immediately to the OAJFC complaints regarding Court appointed counsel. The OAJFC shall review and investigate, or assign a person or persons to review and investigate all complaints received. Complaints shall be investigated and disposed of (i.e., dismissal or appropriate sanctions of the lawyer) within thirty (30) days of receipt of the complaint.

4. The Administrative Judge of Family Court reserves the right to suspend or remove for cause any lawyer from the list of eligible lawyers.

Adopted by the Board of Judges of the Court of Common Pleas on May 16, 2002. Effective 30 days after publication in the *Pennsylvania Bulletin*.

#### **Rule 1704. Practice in Dependent Court Proceedings**

All lawyers representing parties in Dependent Court proceedings shall have the following powers and duties, except where otherwise limited by law or rule of Court:

A. The lawyer shall review and be given timely access to relevant Court records; reports relevant to the case; reports of examination of the parents or other custodial of the child made pursuant to the proceeding; and medical, psychological and school records as permitted by law.

B. The lawyer shall attend all Court hearings and reviews, and in person or by representative, participate in telephone conferences and attend Family Service Plan (FSP) meetings regarding the client's case.

C. The lawyer or lawyer's representative shall meet with the client as soon as possible following appointment, and thereafter on a regular basis.

D. The lawyer shall notify other parties and representatives of the appointment and commence zealous advocacy on behalf of the client immediately upon receipt of the appointment.

E. The lawyer shall interview potential witnesses, review relevant documents, and conduct such further independent investigation as may be necessary to ascertain the facts of the case.

F. The lawyer shall serve appropriate subpoenas, prepare appropriate exhibits, obtain relevant and appropriate expert opinions when indicated, and conduct such further preparation for trial as may be necessary to protect the client's interests.

G. The lawyer shall examine and cross-examine witnesses and present evidence, request the Court to enter clear and specific orders for the provision of services, treatment, evaluation, assessment and protection, as appropriate to the representation. The lawyer shall participate in the proceedings to the degree necessary to represent his or her client, including the filing of motions, responses, objections and appeals at all appropriate stages of the proceedings.

Adopted by the Board of Judges of the Court of Common Pleas on May 16, 2002. Effective 30 days after publication in the *Pennsylvania Bulletin*.

#### **Rule 1705. Fees and Costs**

A. Court-appointed lawyers shall be fairly compensated for representation in Dependent Court proceedings.

B. Counsel for indigent parties may make a motion to the Administrative Judge of Family Court to request independent expert or investigative services. The motion must be in writing. If the motion is granted, the Court shall pay reasonable expenses for the ordered services.

The motion must set forth a specific and concise theory as to the purpose and necessity of the service requested and what outcome would be accomplished by the provision of these services. The Court shall grant motions which show that the issues to be addressed by the expert are in controversy in the case; that a second opinion is needed to counter an expert opinion obtained by the Department of Human Services; or that additional investigative work is needed beyond what counsel may reasonably do on his or her own.

Adopted by the Board of Judges of the Court of Common Pleas on May 16, 2002. Effective 30 days after publication in the *Pennsylvania Bulletin*.

#### **Commentary to Rules 1702 through 1705**

The Court seeks to ensure the provision of competent and effective counsel in Dependent Court for Philadelphia parents and children. These rules arise from the belief that Dependent Court work is a sensitive and important practice in which lawyers are entrusted with the protec-

tion of the fundamental rights of parents and children. Members of the dependency bar participate in decisions that will critically affect a family's future and may expose a parent to criminal liability. Untrained or ineffective parents' lawyers may risk full termination of their clients' parental rights and the loss of their children forever. Unskilled child advocates may fail to adequately protect a child from further abuse or may relegate a child to a life of foster care adrift. Quality advocacy can protect children and preserve families. Ineffective lawyering may have devastating consequences for children and families.

These rules recognize the interdisciplinary nature of Dependent Court work. The problems that families bring to Court are not strictly legal problems; to be effective, lawyers must be conversant with many fields. Medical, psychological and social work practice are integral to dependency work, as these disciplines provide information about child abuse and neglect, the treatment of substance abuse, family dysfunction, child development, and many other relevant topics.

Dependent Court practitioners should be competent in the following areas:

a. Relevant federal and state laws, agency regulations, Court decisions and Court rules;

b. Use of expert witnesses and scientific and medical evidence, including but not limited to, psychiatric and pathological evidence;

c. Child development, needs and abilities;

d. Family dynamics and dysfunction, including cultural aspects of families and the use of kinship care;

e. Substance abuse and rehabilitation/treatment programs and resources;

f. Public benefits including Temporary Assistance to Needy Families (TANF), Supplemental Security Income (SSI), adoption assistance, kinship foster care subsidy, medical assistance and managed care;

g. Information on accessible child welfare, family preservation, medical, educational and mental health resources, including placement, evaluation/diagnostic, and treatment services; and other services which may constitute reasonable efforts to preserve and/or reunify families; and

h. risk assessment and case plans.

[Pa.B. Doc. No. 02-1417. Filed for public inspection August 16, 2002, 9:00 a.m.]

## **Title 25—LOCAL COURT RULES**

### **ALLEGHENY COUNTY**

#### **Rules of the Court of Common Pleas; No. 7 of 2002**

#### **Order of the Court**

*And Now*, to-wit, this 29th day of July, 2002, pursuant to action of the Board of Judges, the following new Local Rules of the Summary Appeals Branch are adopted, effective thirty (30) days after publication in the *Pennsylvania Bulletin*.

*By the Court*

ROBERT A. KELLY,  
*President Judge*

## **Local Rules of the Summary Appeals Branch of the Court of Common Pleas**

### **Rule 1. Administrative Judge and Presiding Judge.**

The President Judge shall be the supervising judge of the Summary Appeals Branch. He or she shall, from time to time, designate a judge to preside over the Summary Appeals Branch and may specially assign a judge or judges to hear specific classes of cases as may be necessary.

### **Rule 2. Filing of Appeals.**

A. The following Summary Appeals shall be filed in the office of the Clerk of Courts in accordance with Rule 460 of the Rules of Criminal Procedure:

Summary criminal convictions

Summary ordinance violations

Summary convictions for offenses of the Vehicle Code

B. The following Statutory Appeals shall be filed in the office of the Prothonotary in accordance with 42 Pa.C.S.A. Section 933 (Appeals from Government Agencies) and the specific statutory provisions cited thereunder. Appeals from orders or decisions of:

Civil service commissions

Zoning boards

Pennsylvania Liquor Control Board

Pennsylvania Department of Transportation

Any other proceeding from which an appeal to the Court of Common Pleas is specifically authorized by statute.

### **Rule 3. Notice of Appeal.**

The appellant shall notify the appellee and the District Justice, City Magistrate, or governmental agency from which the appealed order or decision is being filed in accordance with the aforementioned Pennsylvania Rules of Criminal Procedure and statutes referenced under 42 Pa.C.S.A. Section 933.

### **Rule 4. Determination of Timeliness of Appeal.**

The office of the Prothonotary and the Clerk of Courts shall determine if the appeal is timely. All untimely attempts to file an appeal shall be rejected by the filing agency unless a Common Pleas Court order granting allowance to appeal nunc pro tunc accompanies the appeal.

### **Rule 5. Sessions of Court.**

The regular sessions of the Summary Appeals Court shall be held daily, when court is open, before the assigned judge commencing at 8:30 a.m. and 1 p.m. unless otherwise ordered by the President Judge.

### **Rule 6. Motions other than for Postponement.**

All motions in Summary Appeals Court shall be presented Monday through Friday at 8:30 a.m. Said motions must be pre-scheduled for a hearing by the Summary Appeals staff. The moving parties shall notify the respondent, in writing, of any presentment to the court (with the exception of Motions to Proceed in forma pauperis) at least five (5) days prior to the date of presentment.

### **Rule 7. Motions for Postponement.**

All motions for postponement shall be completed using forms supplied by the Summary Appeals Court. The

procedures in Rule 6 (Motions other than for postponement) shall apply. Motions for postponement granted by the court shall, on the same day the motion is granted, be filed along with the appropriate filing fee in the office of the Prothonotary or Clerk of Courts.

### **Rule 8. Petitions to Proceed In Forma Pauperis.**

Petitions to proceed in forma pauperis in appeals filed pursuant to Rule 2A of these rules shall be presented to the Summary Appeals Judge within thirty (30) days of the date of the order from which an appeal is being taken.

### **Rule 9. Specially Assigned Summary Appeals.**

Appeals filed pursuant to Rule 2B of these Summary Rules may be specially assigned to a judge. In such instances the assigned judge shall schedule and decide all pre-hearing, hearing, and post hearing matters. The hearing decisions of the specially assigned judge must be reported to the Summary Appeals clerk in a timely manner. The Summary Appeals clerk shall forward the final decision on all matters before the Summary Appeals Branch to the lower court or governmental agency from which the appeal was taken.

### **Recession**

The following Administrative Docket Orders are rescinded to the extent that they are inconsistent herewith: Administrative Docket Orders Numbers 10, 12, 23, and 114 all of 1996. The Local Rules of the Summary Appeals Branch of the Court of Common Pleas of Allegheny County adopted April 11, 1996 are also hereby rescinded.

[Pa.B. Doc. No. 02-1418. Filed for public inspection August 16, 2002, 9:00 a.m.]

## **DAUPHIN COUNTY**

### **Promulgation of Local Rules; No. 1793 S 1989**

#### **Order**

*And Now*, this 1st day of August, 2002, Dauphin County Local Rules of Civil Procedure are amended as follows:

**Rule 214 [ 215 ]. Preferences:** A trial list preference may be requested in all cases in which a jury previously has been impaneled and sworn, or which were listed and available for trial in the preceding civil trial session but were not reached. Such preference shall be presented in the form of an application for preference. The application must be filed with the Prothonotary at least three weeks prior to the first day of the trial session. Copies must be served upon all other counsel and the Court Administrator's Office. The Calendar Judge will determine the order of preference.

This rule shall be effective 30 days after publication in the *Pennsylvania Bulletin*.

*By the Court*

JOSEPH H. KLEINFELTER,  
*President Judge*

[Pa.B. Doc. No. 02-1419. Filed for public inspection August 16, 2002, 9:00 a.m.]



## LEHIGH COUNTY

**Administrative Order Governing Destruction of  
Trial Exhibits in Civil Cases Tried Prior to Janu-  
ary 1, 2002 and Held by the Court Transcription  
Unit; File No. 2002 J 75**

**Order**

*And Now*, this 22nd day of July 2002, *It Is Hereby Ordered and Decreed* that the Court Administrator of the Lehigh County Court of Common Pleas destroy all trial exhibits held by the Court Transcription Unit, resulting from civil cases tried prior to January 1, 2002, and from which no appeal has been taken. The Court Administrator shall give notice of such action by publication in the *Pennsylvania Bulletin*, the *Lehigh Law Journal*, and a newspaper of general jurisdiction. Any plaintiff, defendant, or attorney of record shall have thirty (30) days from the effective date of this order to notify the Court Administrator of intention to reclaim such civil case exhibits.

*By the Court*

WILLIAM H. PLATT,  
*President Judge*

[Pa.B. Doc. No. 02-1420. Filed for public inspection August 16, 2002, 9:00 a.m.]

## DISCIPLINARY BOARD OF THE SUPREME COURT

**Notice of Suspension**

Notice is hereby given that Francis X. Gavin, having been suspended from the practice of law in the State of New Jersey for a period of six months, the Supreme Court of Pennsylvania issued an Order dated August 1, 2002 suspending Francis X. Gavin from the practice of law in this Commonwealth for a period six months, effective August 31, 2002. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides

outside the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director and Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 02-1421. Filed for public inspection August 16, 2002, 9:00 a.m.]

**Notice of Suspension**

Notice is hereby given that on August 1, 2002, pursuant to Rule 214(d)(1) of the Pa.R.D.E., Roger Clark Peterman was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director and Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 02-1422. Filed for public inspection August 16, 2002, 9:00 a.m.]

**Notice of Suspension**

Notice is hereby given that on August 1, 2002, pursuant to Rule 214 of the Pa.R.D.E., Mark E. Steiner was placed on temporary suspension by the Supreme Court until further Order of the Court. In accordance with Rule 217(f), Pa.R.D.E., since this formerly admitted attorney resides outside of the Commonwealth of Pennsylvania, this notice is published in the *Pennsylvania Bulletin*.

ELAINE M. BIXLER,  
*Executive Director and Secretary  
The Disciplinary Board of the  
Supreme Court of Pennsylvania*

[Pa.B. Doc. No. 02-1423. Filed for public inspection August 16, 2002, 9:00 a.m.]

# STATEMENTS OF POLICY

## Title 37—LAW

## Title 237—JUVENILE RULES

### JUVENILE COURT JUDGES' COMMISSION

[37 PA. CODE CH. 200]

[237 PA. CODE CHS. 101, 201 AND 301]

#### Transfer of Standards

The Juvenile Court Judges' Commission submits this notice for the purpose of renumbering certain existing standards and a statement of policy. This renumbering is in response to the establishment of the Juvenile Court Procedural Rules Committee by the Supreme Court and to reserve Title 237 for Juvenile Court Procedural Rules.

JAMES E. ANDERSON,  
*Executive Director*

**Fiscal Note:** 23-SOP-3. No fiscal impact; (8) recommends adoption.

#### Table of Standards to be Transferred

The following chapters are transferred from Title 237 to Title 37:

Former Pa. Code Reference	New Pa. Code Reference
237 Pa. Code Chapter 101	37 Pa. Code Chapter 200, Subchapters A and B
237 Pa. Code Chapter 201	37 Pa. Code Chapter 200, Subchapter C
237 Pa. Code Chapter 301	37 Pa. Code Chapter 200, Subchapter D

#### Annex A

### TITLE 37. LAW

#### PART III. AGENCIES AND OFFICES

##### Subpart N. JUVENILE COURT JUDGES' COMMISSION

#### CHAPTER 200. JUVENILE COURT JUDGES' COMMISSION

##### Subchap.

- A. STANDARDS GOVERNING THE USE OF SECURE DETENTION UNDER THE JUVENILE ACT
- B. STANDARDS GOVERNING HEARINGS AND ADMINISTRATIVE REVIEWS FOR CHILDREN HELD IN SECURE DETENTION
- C. STANDARDS GOVERNING THE QUALIFICATIONS AND TRAINING OF COURT-APPOINTED SPECIAL ADVOCATES
- D. STANDARDS GOVERNING HEARING PROCEDURES

##### Subchapter A. STANDARDS GOVERNING THE USE OF SECURE DETENTION UNDER THE JUVENILE ACT

- |        |  |
|--------|--|
| Sec.   |  |
| 200.1. | Scope.   |
| 200.2  | Statement of reasons requirement.  |
| 200.3. | Detention required to protect the person or property of others or of the child.                    |
| 200.4. | Detention required because the child may abscond or be removed from the jurisdiction of the court. |
| 200.5. | Detention required because the child has no parent, guardian or custodian.                         |
| 200.6. | Postadjudication detention pending disposition.  |
| 200.7. | Postdisposition detention awaiting placement.  |

- 200.8. Detention pending or subsequent to a dispositional review proceeding.
- 200.9. Authorization for detention in cases of extraordinary and exceptional circumstances.

#### Preamble

The purpose of Pennsylvania's juvenile justice system is to provide programs of supervision, care and rehabilitation which are consistent with the protection of the public interest and which provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable children to become responsible and productive members of the community.

Secure detention services must be understood within the context of the services available within the juvenile justice system, and within the broader context of the purpose of the system, and of the juvenile justice process. A child admitted to a juvenile detention center is provided access to a wide range of services, custody, supervision, and assessments.

The "Standards Governing the Use of Secure Detention Under The Juvenile Act" adopted by the Juvenile Court Judges' Commission were developed with an understanding that overcrowding in juvenile detention centers presents danger to both residents and staff and can severely disrupt programs and services. Consequently, juvenile court judges and chief juvenile probation officers should take a leadership role in advocating for adequate juvenile detention services and alternatives, in monitoring detention center populations at the local level, and in developing strategies to be undertaken as facilities approach capacity.

These Standards were also developed on the premise that decisions regarding admissions to secure detention facilities must be based on a commitment to utilize the most appropriate level of care consistent with the circumstances of the individual case. When the admission of a child to a secure detention facility is being considered by a judge, master, or juvenile probation officer, preference should be given to nonsecure alternatives which could reduce the risk of flight or danger to the child or community.

#### § 200.1. Scope.

(a) These standards shall be applied in determining whether a child who is alleged to be or has been found to be a delinquent child may be detained. A child who is alleged to be or has been found to be a dependent child may not be detained in a secure detention facility unless the child is also alleged to be or has been found to be a delinquent child.

(b) Even though eligibility criteria may indicate that a particular child may be detained, detention is not mandatory. In every situation in which secure detention is to be considered, forms of control short of secure detention which could substantially reduce the risk of flight or danger to the child or the community shall be given preference.

(c) Preadjudication detention may never be imposed as a means of punishment or to apply sanctions.

(d) Secure detention is not to be used when a child alleged to be delinquent cannot be released solely because there is no parent, guardian or custodian able to assume responsibility or adequately supervise the child.

**§ 200.2. Statement of reasons requirement.**

(a) If secure detention is ordered or authorized, except as provided in subsections (b) and (c) whether at intake or at a detention or other hearing before a Juvenile Court Judge or Juvenile Court Master, a contemporaneous written statement of reasons and facts shall accompany the detention decision specifying the following:

(1) There is a reasonable basis to believe that the child has committed the act for which he is being detained—in the case of judicial authorities, that probable cause exists—and that the child is not excluded from the jurisdiction of Juvenile Court by age or another reason.

(2) That the child's detention is permitted under this subchapter.

(3) The alternatives to secure detention which were considered and rejected.

(4) The reason or reasons why secure detention is required and alternatives are not appropriate. Separate reasons need not be given for each alternative considered.

(b) If secure detention is ordered after the child is found to have committed a delinquent act but prior to the Court's determination that residential placement will be ordered at disposition, the Court shall indicate on the record or in a court order why secure detention is required and alternatives are not appropriate. Separate reasons need not be given for each alternative considered.

(c) Once the court has determined that residential placement will be ordered or continued, if previously ordered, no statement of reasons is required regarding the use of secure detention pending placement.

**§ 200.3. Detention required to protect the person or property of others or of the child.**

A child may not be detained in secure detention under 42 Pa.C.S. §§ 6325, 6326 and 6331 (relating to detention of child; release of delivery to court; and release from detention or commencement of proceedings) for the purpose of protecting the person or property of others or of the child unless one of the following exists:

(1) The child is alleged to be a delinquent child on the basis of acts which would constitute the commission of, conspiracy, solicitation or an attempt to commit any of the following crimes:

(i) Criminal homicide, 18 Pa.C.S. §§ 2502, 2503 or 2504 (relating to murder; voluntary manslaughter or involuntary manslaughter).

(ii) Rape, 18 Pa.C.S. § 3121 (relating to rape).

(iii) Robbery, 18 Pa.C.S. § 3701 (relating to robbery).

(iv) Robbery of motor vehicle, 18 Pa.C.S. § 3702 (relating to robbery of motor vehicle).

(v) Aggravated assault, 18 Pa.C.S. § 2702 (relating to aggravated assault).

(vi) Involuntary deviate sexual intercourse, 18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

(vii) Aggravated Indecent Assault, 18 Pa.C.S. § 3125 (relating to aggravated indecent assault).

(viii) Kidnapping, 18 Pa.C.S. § 2901 (relating to kidnapping).

(ix) Arson, 18 Pa.C.S. § 3301 (relating to arson and related offenses).

(x) Burglary, 18 Pa.C.S. § 3502 (relating to burglary) involving a structure adapted for overnight accommodation.

(xi) Terroristic threats, 18 Pa.C.S. § 2706 (relating to terroristic threats).

(xii) Stalking, 18 Pa.C.S. § 2709(b)(1)(2)) (relating to harassment and stalking).

(xiii) Causing or risking catastrophe, 18 Pa.C.S. § 3302 (relating to causing or risking catastrophe).

(xiv) Riot, 18 Pa.C.S. § 5501 (relating to riot).

(xv) Felonious violations of The Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101—780-144).

(xvi) Felonious intimidation of witnesses or victims, 18 Pa.C.S. § 4952 (relating to intimidation of witnesses or victims).

(xvii) Felonious retaliation against witness or victim, 18 Pa.C.S. § 4953 (relating to retaliation against witness or victim).

(2) The child is alleged to be a delinquent child on the basis of an offense which involved the use or possession of a firearm or explosives, or an offense—other than mere possession—which involved the use or possession of a deadly weapon—other than a firearm or explosives—as defined in 18 Pa.C.S. § 2301 (relating to definitions).

(3) The child is alleged to be a delinquent child on the basis of an offense which is classified as a felony and one of the following exists:

(i) The child is currently on probation, being supervised under a consent decree, or otherwise under the supervision of the court following an adjudication of delinquency.

(ii) The child has been found to be a delinquent child within the preceding 18 months.

(4) The child is alleged to be a delinquent child and is in violation of conditions of house arrest, in-home detention, electronic monitoring, shelter care or other non-secure placement, ordered or authorized as an alternative to secure detention.

(5) The child is on probation or is otherwise under the supervision of a court following an adjudication of delinquency, based on a felony, and is alleged to have committed a delinquent act or to have twice violated technical conditions of probation or other postadjudication supervision.

(6) The child or child's attorney has voluntarily and in writing requested placement in secure detention for the protection of the child, in which case immediate release shall occur upon the request of the child or attorney.

**§ 200.4. Detention required because the child may abscond or be removed from the jurisdiction of the court.**

A child may not be detained in secure detention under 42 Pa.C.S. §§ 6325, 6326 and 6331 (relating to detention of child; release of delivery to court; and release from detention or commencement of proceedings) because the child may abscond or be removed from the jurisdiction of the court unless one of the following occurs:

(1) The child is an absconder from an institution or other placement to which the child was committed as a result of a previous adjudication of delinquency.

(2) The child has willfully failed to appear at the hearing on the petition or other hearing after having been served with a court order or summons to appear.

(3) The child has a recent demonstrable record of willful failure to appear at previous juvenile proceedings.

(4) The child has been verified to be a fugitive from another jurisdiction, an official from which has requested that the child be detained.

(5) The child absconded from secure detention, shelter care, in-home detention, house arrest, or other nonsecure placement, or while subject to electronic monitoring, ordered or authorized pending a court hearing or placement.

(6) The child presents extraordinary circumstances requiring secure detention to prevent the child from absconding. The circumstances may include, but are not limited to, the child's age, character, mental condition, ties to the community, the nature of the child's family relationships, drug or alcohol addiction or substance abuse.

**§ 200.5. Detention required because the child has no parent, guardian or custodian.**

No child may be detained in secure detention under 42 Pa.C.S. §§ 6325, 6326 and 6331 (relating to detention of child; release of delivery to court; and release from detention or of commencement proceedings) solely because the child has no parent, guardian, custodian or other person able to provide supervision and care and capable of returning the child to the court when required.

**§ 200.6. Postadjudication detention pending disposition.**

A child whom the court has found to have committed the act by reason of which the child was alleged to be delinquent or whom the court has found to be a delinquent child may not be held in secure detention pending disposition unless one of the following exists:

(1) The adjudication or finding was based on an offense for which detention was or could have been authorized or ordered under § 200.3 (relating to detention required to protect the person or property of others or of the child).

(2) The child was initially detained, was eligible for detention, or, based on more recent information, would now be eligible for detention under § 200.4 (relating to detention required because the child may abscond or be removed from the jurisdiction of the court) and the court determines detention to be required.

(3) The court has determined that placement of the child at disposition is probable and continued detention is required prior to disposition based upon consideration of the following factors:

- (i) The nature of the substantiated offense.
- (ii) The child's employment and student status.
- (iii) The nature of the child's family relationships.
- (iv) The child's past and present residences.
- (v) The child's age, character, mental condition, previous juvenile record, and drug or alcohol addiction or substance abuse.
- (vi) If the child has previously been released pending a court proceeding, whether the child appeared as required.
- (vii) Other facts relevant to whether the child has strong ties with the community or is likely to flee the jurisdiction.

**§ 200.7. Postdisposition detention awaiting placement.**

A delinquent child whom the court has committed to an institution or other placement, who was otherwise ordered removed from his home at disposition may not be held in secure detention pending transfer to the placement unless one of the following exists:

(1) The child was found to be a delinquent child on the basis of an offense for which detention would be permitted under § 200.3 (relating to detention required to protect the person or property of others or of the child).

(2) The child was initially detained, was eligible for detention or based on more recent information would now be eligible for detention under § 200.4 (relating to detention required because the child may abscond or be removed from the jurisdiction of the court).

(3) The child is awaiting placement in a Youth Development Center Secure Unit or other secure residential treatment program.

(4) The child is awaiting placement and the court has determined that secure detention is required pending transfer to the placement based upon consideration of the factors delineated in § 200.6(a)(3) (relating to post-adjudication detention pending disposition).

**§ 200.8. Detention pending or subsequent to a dispositional review proceeding.**

A child may not be detained in secure detention pending or subsequent to a dispositional review proceeding unless one of the following occurs:

(1) The child is in placement or is awaiting transfer to a Youth Development Center secure unit or other secure residential treatment program.

(2) The child was returned from placement for failure to adjust.

(3) Secure detention is otherwise required based upon consideration of the factors delineated in § 200.6(a)(3) (relating to post-adjudication detention pending disposition).

**§ 200.9. Authorization for detention in cases of extraordinary and exceptional circumstances.**

(a) A child may be detained in secure detention even if this subchapter does not otherwise authorize detention if the following are met:

(1) The facts present extraordinary and exceptional circumstances which require the use of secure detention.

(2) A statement of reasons accompanying the detention includes an explanation of why an exception was warranted and why nonsecure options were rejected.

(b) Detention under this section may not be authorized routinely or because nonsecure alternatives do not exist in adequate numbers, but only in the exceptional and extraordinary case.

(c) Secure detention is not to be used when a child alleged to be delinquent cannot be released solely because there is no parent, guardian or custodian able to assume responsibility or adequately supervise the child.

**Subchapter B. STANDARDS GOVERNING HEARINGS AND ADMINISTRATIVE REVIEWS FOR CHILDREN HELD IN SECURE DETENTION**

- Sec.  
 200.101. Preadjudication detention.  
 200.102. Postadjudication/predisposition detention.  
 200.103. Postdisposition/preplacement detention.

- 200.104. Detention pending a disposition review proceeding for failure to adjust in placement.
- 200.105. Detention pending a disposition review proceeding for violation of probation.
- 200.106. Detention subsequent to an order resulting from a disposition review proceeding, where a specific placement or disposition has been ordered.
- 200.107. Responsibility of probation officer.

**§ 200.101. Preadjudication detention.**

(a) Within 72 hours of the admission of a child to secure detention, the informal detention hearing shall be held.

(b) The adjudication hearing shall be held pursuant to the provisions of 42 Pa.C.S. § 6335 (relating to conduct of hearings).

**§ 200.102. Postadjudication/predisposition detention.**

(a) Within 20 days of the date of the adjudication, a disposition hearing or a hearing to determine the need for continued secure detention shall be held.

(b) Within 20 days of this hearing, if the disposition hearing has not been held or a court order entered, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

(c) Until a disposition or a specific placement is ordered by the Court, the Court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.

**§ 200.103. Postdisposition/preplacement detention.**

(a) At the 10th and 20th days from the most recent court proceeding, the Court or designee shall administratively review the status of the case and determine the need for continued secure detention.

(b) Within 30 days of the most recent court proceeding, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

(c) Subsequent administrative reviews and hearings shall continue to be held pursuant to these time frames until the child is admitted to a dispositional placement or is otherwise released from secure detention.

**§ 200.104. Detention pending a disposition review proceeding for failure to adjust in placement.**

(a) Within 72 hours of the admission of a child to secure detention, an informal detention hearing shall be held; unless the child was in a secure placement facility immediately prior to admission to secure detention.

(b) Within 20 days of the most recent court proceeding, or from the date of admission to secure detention if no informal detention hearing was required, the disposition review hearing or a hearing to determine the need for continued secure detention shall be held.

(c) Until a specific disposition order is entered, the Court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.

**§ 200.105. Detention pending a disposition review proceeding for violation of probation.**

(a) Within 72 hours of the admission of a child to secure detention for a violation of probation, an informal detention hearing shall be held.

(b) Within 20 days of the most recent court proceeding, the disposition review hearing or a hearing to determine the need for continued secure detention shall be held.

(c) Until a specific disposition order is entered, the Court shall hold a hearing by the 20th day from the most recent court proceeding to review the status of the case and to determine the need for continued secure detention.

**§ 200.106. Detention subsequent to an order resulting from a disposition review proceeding, where a specific placement or disposition has been ordered.**

(a) At the 10th and 20th days from the most recent court proceeding, the Court or designee shall administratively review the status of the case and determine the need for continued secure detention.

(b) Within 30 days of the most recent court proceeding, a hearing shall be held to review the status of the case and to determine the need for continued secure detention.

(c) Subsequent hearings and reviews shall be held pursuant to these time frames until the child is admitted to a dispositional placement, or is otherwise released from secure detention.

**§ 200.107. Responsibility of probation officer.**

(a) The Chief Juvenile Probation Officer shall provide to the Court such information as necessary to ensure that all children placed in secure detention have the continued appropriateness of their detention determined by the Court or designee in accordance with this subchapter.

(b) Note: An administrative review of a case should entail consideration of the information relevant to an understanding of why the child is being held in secure detention, whether secure detention services or an alternative thereto continue to be required, and what must occur to enable the child to be released or transferred to another facility. It is not intended that the child be present during these reviews.

(c) Administrative reviews should serve to minimize delays in the release or transfer of a child by helping to ensure that individuals are carrying out their respective responsibilities related to the child's case. At the conclusion of each review, the child's anticipated date of release or transfer should be noted, together with the date of the next administrative review or hearing and any actions which are to occur prior thereto. All administrative reviews are to be documented in the child's case file or record.

**Subchapter C. STANDARDS GOVERNING THE QUALIFICATIONS AND TRAINING OF COURT-APPOINTED SPECIAL ADVOCATES**

**GENERAL**

- Sec.  
200.201. Appointment.  
200.202. Program.

**QUALIFICATIONS**

- 200.211. Qualifications.

**TRAINING**

- 200.221. Training.

**GENERAL**

**§ 200.201. Appointment.**

Under 42 Pa.C.S. § 6342 (relating to court-appointed special advocates), court-appointed special advocates (CASAs) may be appointed to participate as advocates for children who are dependent or alleged to be dependent. CASAs shall be appointed only by the court and shall be sworn in by the court in recognition of both the importance and confidential nature of their duties.

**§ 200.202. Program.**

Court-appointed special advocates (CASAs) shall, at all times, be under the supervision of a CASA program which has the legal authority to operate, and which is recognized and supported by the court. Unless the CASA program is administered by the court, the program shall likewise have a written agreement with the court defining the working relationship between the CASA program and the court. CASAs may not be assigned to a case until it is determined that all preservice training and qualification requirements have been met.

**QUALIFICATIONS****§ 200.211. Qualifications.**

(a) A court-appointed special advocate (CASA) shall be 21 years of age or older.

(b) Prior to appointment, a CASA shall:

(1) Successfully pass all screening requirements, including criminal history and child abuse background checks.

(2) Complete a written application containing information about educational background and training, employment history and experience working with children.

(3) Submit the names of three or more references of persons unrelated to the prospective CASA.

(4) Authorize the CASA program and other appropriate agencies to conduct a criminal record check, a child protective services background check as permitted by the laws of the Commonwealth and, if the duties of the CASA could include the transportation of children, a driving record check.

(5) Attend and participate in personal interviews with CASA program personnel.

(6) Be able to make a 12-month minimum commitment to a case, in addition to the time required for preservice training.

(c) A CASA shall respect a child's inherent right to grow up with dignity, in a stable, safe, loving and nurturing environment.

(d) A CASA shall have the ability to relate effectively to the children and families to whose cases the CASA may be assigned.

(e) A CASA shall keep information confidential and work within the scope of established program guidelines and orders of the court, maintain objectivity and relate to a variety of people.

(f) A CASA may not accept reimbursement for time, or for routine travel or other expenses ordinarily incurred in the discharge of assigned duties, and shall comply with the requirements established by the CASA program under whose supervision the CASA is providing services.

(g) An individual may not be appointed as a CASA who is found to have been convicted of, or to have charges pending for, a felony or a misdemeanor involving a sex offense, child abuse or neglect, or related acts that would pose risks to children or the credibility of the CASA program. If a prospective CASA is found to have committed a misdemeanor or felony that is unrelated to or would not pose a risk to children and would not negatively impact the credibility of the CASA program, the program may consider the extent of the prospective volunteer's rehabilitation and other factors that may be relevant in determining whether to accept the applicant as a CASA volunteer.

(h) Grounds for dismissal of a CASA include the following:

(1) Taking action without CASA program or court approval that endangers a child or is outside the role or powers of the CASA program.

(2) Engaging in ex parte communication with the court.

(3) Violation of a program policy, court rule or law.

(4) Failure to complete required in-service training.

(5) Failure to demonstrate an ability to effectively carry out assigned duties.

(6) Falsification of an application, or a misrepresentation of facts during the preappointment screening process.

(7) Allegations that the CASA is the subject of child abuse or neglect allegations.

(8) Existence of a conflict of interest that cannot be resolved.

**TRAINING****§ 200.221. Training.**

(a) The Court-appointed special advocate (CASA) shall have the benefit of a training and skill development program that is offered by a CASA program and which is reviewed annually and revised based on the program's assessment of its training needs.

(b) Training provided to CASAs shall conform to the curriculum "Comprehensive Training for the CASA/GAL," available from the National Court Appointed Special Advocate Association, or its equivalent.

(c) The training that is offered to CASAs shall utilize a variety of instructors, including CASA program staff, attorneys, judges, agency representatives and volunteers.

(d) CASAs shall successfully complete at least 30 hours of preservice training before being assigned to a case. This preservice training shall, at a minimum, include the following:

(1) The roles and responsibilities of a CASA volunteer.

(2) Court process, including dependency proceedings under 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act) and involuntary termination of parental rights proceedings under 23 Pa.C.S. §§ 2101–2910 (relating to the Adoption Act).

(3) The dynamics of human behavior associated with child abuse and neglect.

(4) Relevant State and Federal laws.

(5) Confidentiality and recordkeeping practices.

(6) Child development.

(7) Child abuse and neglect.

(8) Permanency planning and resources.

(9) Community agencies and resources.

(10) Communication and information gathering, to include interviewing and report writing skill development.

(11) Advocacy.

(12) Special needs of the children served, including differences in cultural and socioeconomic norms, values and heritage.

(13) The identification of personal and institutional bias or discrimination as it relates to the children and families being served.

(14) The opportunity to visit and observe court proceedings conducted by judges and masters involving hearings

under 42 Pa.C.S. Chapter 63, as well as proceedings involving the involuntary termination of parental rights under 23 Pa.C.S. §§ 2101—2910.

(15) Ethics relating to the role of the CASA.

(16) Expectations regarding appearance and demeanor.

(e) CASA volunteers shall be provided with at least 12 hours of in-service training annually.

#### **Subchapter D. STANDARDS GOVERNING HEARING PROCEDURES**

##### **INITIATION OF HEARINGS**

Sec.

- 200.301. Initiation of hearing process.
- 200.302. Petition.
- 200.303. Time for hearing.
- 200.304. Child in detention or shelter care.
- 200.305. Child not detained or sheltered.
- 200.306. Appearance at hearing required.
- 200.307. Subpoena as requiring attendance of witnesses.
- 200.308. Priority for child in detention or shelter.

##### **CONDUCT OF HEARINGS**

- 200.321. Due process.
- 200.322. District attorney to represent Commonwealth.
- 200.323. Record of proceedings.
- 200.324. Public excluded from hearings.
- 200.325. Counsel.
- 200.326. Waiver of right to counsel.
- 200.327. Conflict of interest with child.

##### **PHASES OF THE HEARING ON THE PETITION**

- 200.341. Three phases of hearing.
- 200.342. Jurisdiction.
- 200.343. Evidence on the petition.
- 200.344. Findings.
- 200.345. Finding of delinquency.
- 200.346. Finding of need for treatment, supervision or rehabilitation.
- 200.347. Discharge and dismissal.
- 200.348. Disposition.

##### **INITIATION OF HEARINGS**

#### **§ 200.301. Initiation of hearing process.**

The hearing process shall be formally initiated by the filing of a petition, as provided in 42 Pa.C.S. Chapter 63 (relating to Juvenile Act), which shall be entitled "in the interest of . . . , a minor," and shall be captioned and docketed as provided by general rule.

#### **§ 200.302. Petition.**

The petition may be brought by any person, shall be verified, and shall set forth plainly:

(1) The facts which bring the child within the jurisdiction of the Court and 42 Pa.C.S. Chapter 63 (relating to Juvenile Act), a statement that it is in the interest of the child and the public that the proceedings be brought and, if delinquency is alleged, that the child is in need of treatment, supervision or rehabilitation.

(2) The name, age and address of the child on whose behalf the petition is brought.

(3) The names and addresses, if known, of the parents, guardian or custodian and of the spouse, if any, of the child.

(4) Whether the child is presently in detention or shelter care, and, if so, the location of the facility where the child is in placement, and the time the child was taken into custody.

#### **§ 200.303. Time for hearing.**

After a petition has been filed alleging a child to be dependent or delinquent, the court shall fix a time for a hearing thereon.

#### **§ 200.304. Child in detention or shelter care.**

When a petition is filed alleging a child to be dependent or delinquent, and the child is in detention or shelter care, the hearing on the petition shall be held within 10 days after the filing of the petition. The child may be detained or kept in shelter care for an additional single period not to exceed 10 days when the Court, at a hearing, makes the determinations and findings required under 42 Pa.C.S. § 6335 (relating to release or holding of hearing).

#### **§ 200.305. Child not detained or sheltered.**

When a petition is filed alleging a child to be dependent or delinquent and the child is not in detention or shelter care, the hearing on the petition shall be held within 90 days after the filing of the petition.

(1) With the approval of the Court, this period may be extended, in a delinquency case, upon the agreement of the Commonwealth and the child. An extension may also be granted by the Court, in a dependency or delinquency case, when reasonable cause is shown for an extension. An extension granted by the Court shall be for a specific period of time.

(2) If a petition is reinstated alleging a child to be delinquent who is failing to fulfill the terms and conditions of a consent decree under 42 Pa.C.S. § 6340 (relating to consent decree), the hearing on the petition shall be held within 90 days of the reinstatement of the petition, subject to the conditions for extension of time set forth for hearings on new petitions.

#### **§ 200.306. Appearance at hearing required.**

(a) The Court shall direct the issuance of a summons to the parents, guardian or other custodian, or guardian ad litem and other persons the Court identifies as necessary parties to the proceeding, requiring them to appear at the hearing.

(b) The summons shall also be directed to the child if he is 14 years of age or older or is alleged to be delinquent and a copy of the petition shall accompany the summons.

#### **§ 200.307. Subpoena as requiring attendance of witnesses.**

Upon application of a child, parent, guardian, custodian, probation officer, district attorney or other party to the proceedings, the Court shall issue, or may on its own motion issue, subpoenas requiring attendance of witnesses and production of papers at any hearing under 42 Pa.C.S. Chapter 63 (relating to Juvenile Act).

#### **§ 200.308. Priority for child in detention or shelter.**

In scheduling hearings under 42 Pa.C.S. Chapter 63 (relating to the Juvenile Act), priority shall be given to children in detention or shelter care.

##### **CONDUCT OF HEARINGS**

#### **§ 200.321. Due process.**

(a) The Court shall hear all cases without a jury in an informal but orderly manner which guarantees due process.

(b) The atmosphere of the hearing should encourage the maximum participation of all concerned. It should be evident that it is the intent of the judge to determine the facts of the case and provide a forum that is consistent with the public interest and is intended to arrive at a disposition that provides balanced attention to the protection of the community, imposition of accountability for

offenses committed and development of competencies to enable the child to become a responsible and productive member of the community.

**§ 200.322. District attorney to represent Commonwealth.**

The district attorney shall represent the Commonwealth in delinquency proceedings.

**§ 200.323. Record of proceedings.**

Juvenile court proceedings shall be recorded by an official court reporter.

**§ 200.324. Public excluded from hearings.**

The general public shall be excluded from the juvenile court hearing process.

(1) Only the parties, their counsel, witnesses, the victim, counsel for the victim, other persons accompanying a party or a victim and other persons the Court finds have a proper interest in the proceeding or in the work of the Court may be admitted.

(2) The general public may not be excluded from any hearing pursuant to a petition alleging delinquency as follows:

(i) When the child was 14 years of age or older at the time of the alleged conduct and the conduct would be considered a felony if committed by an adult.

(ii) When the child was 12 years of age or older at the time of the alleged conduct and the conduct would constitute one or more of the following offenses if committed by an adult:

(A) Murder.

(B) Voluntary manslaughter.

(C) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).

(D) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to arson and other related offenses).

(E) Involuntary deviate sexual intercourse.

(F) Kidnapping.

(G) Rape.

(H) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

(I) Robbery of motor vehicle.

(J) Attempt or conspiracy to commit any of the offenses in this paragraph.

(iii) Notwithstanding anything in this section, the proceedings shall be closed upon, and to the extent of, any agreement between the child and the attorney for the Commonwealth.

(iv) The Court at any disposition proceeding shall have discretion to maintain the confidentiality of mental health, medical or juvenile institutional documents or juvenile probation reports.

**§ 200.325. Counsel.**

(a) If a child appears for hearing without counsel, the Court shall ascertain whether that child knows of the right to be provided counsel by the Court if the child is unable to obtain counsel.

(b) The Court may continue the proceeding to enable a party to obtain counsel.

**§ 200.326. Waiver of right to counsel.**

A child may not waive his right to counsel unless the child has had the opportunity to consult with an interested and informed adult. The adult must be one who is primarily interested in the welfare of the accused child and aware of those fifth and sixth amendment rights guaranteed to the child.

**§ 200.327. Conflict of interest with child.**

When the interests of the parent, guardian or custodian may be in conflict with the interests of the child, or when the interests of two or more parties to a proceeding may conflict, separate counsel shall be provided.

**PHASES OF THE HEARING ON THE PETITION**

**§ 200.341. Three phases of hearing.**

The hearing on the petition shall be divided into three phases:

(1) The determination of jurisdiction.

(2) The adjudication of the issue.

(3) Disposition.

**§ 200.342. Jurisdiction.**

The Court shall in all cases initially determine whether the juvenile court has jurisdiction to hear the matter which has been petitioned for hearing.

**§ 200.343. Evidence on the petition.**

(a) Once it has been determined that the Court has proper jurisdiction over the matter before it and has assured that the child is fully aware of all constitutional rights, the Court shall entertain evidence on the petition.

(b) At any time after the filing of a petition and before the entry of an adjudication order, the Court, on proper motion, may suspend the proceedings and enter a consent decree continuing the child under supervision in the child's own home under terms and conditions negotiated with the probation department and agreed to by all parties affected.

**§ 200.344. Findings.**

(a) After hearing the evidence on the petition, the Court shall make and file its findings as to whether the acts ascribed to the child were committed by him if the petition alleged delinquency; or, if dependency was alleged, whether the child is a dependent child.

(b) If the Court finds that the child is not a dependent child or that the allegations of delinquency have not been established, it shall dismiss the petition and order the child discharged from any detention or restriction which has been previously ordered.

**§ 200.345. Finding of delinquency.**

A finding that the child committed the acts by reason of which the child was alleged to be delinquent shall be made only on proof beyond a reasonable doubt, while a finding that a child is dependent shall be based on clear and convincing evidence.

**§ 200.346. Finding of need for treatment, supervision or rehabilitation.**

(a) When there is a finding that the child committed a delinquent act, the Court shall proceed immediately, or at a postponed hearing, to hear evidence as to whether the child is in need of treatment, supervision or rehabilitation and therefore delinquent, and to make and file its findings thereon.



(b) In the absence of evidence to the contrary, evidence of the commission of acts which constitute a felony shall be sufficient to sustain a finding that a child is in need of treatment, supervision or rehabilitation.

**§ 200.347. Discharge and dismissal.**

If the Court finds that the child is not in need of treatment, supervision or rehabilitation, it shall dismiss the proceeding and discharge the child from any detention or other previously ordered care.

**§ 200.348. Disposition.**

If the Court finds that a child is dependent, the Court shall proceed immediately or at a postponed hearing to make proper disposition of the case.

[Pa.B. Doc. No. 02-1424. Filed for public inspection August 16, 2002, 9:00 a.m.]

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# NOTICES

## DEPARTMENT OF AGRICULTURE

### Amendment of Interstate/International Quarantine Order

#### *Recitals*

A. Chronic wasting disease (CWD) is an infectious disease of cervids (animals such as elk, whitetail deer, mule deer, fallow deer, reindeer, red deer, etc. . .). CWD is fatal to infected cervids, but is not known to be communicable to humans.

B. CWD was designated a "Dangerous Transmissible Disease" of animals by order of the Secretary of Agriculture under the provisions of the Domestic Animal Law (3 Pa.C.S.A. §§ 2301—2389), at 3 Pa.C.S.A. § 2321(d). The most recent reissuance of this designation took effect on January 5, 2002, and was published at 32 *Pennsylvania Bulletin* 316 (January 19, 2002).

C. The Pennsylvania Department of Agriculture (PDA) has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals in order to exclude, contain or eliminate dangerous transmissible diseases.

D. Under authority of the Domestic Animal Law allows (at 3 Pa.C.S.A. § 2329(c)), PDA established an Interstate/International Quarantine with respect to captive cervids on January 19, 2002 (January 19, 2002 Order). This Interstate/International Quarantine Order was published at 32 *Pennsylvania Bulletin* 438 (January 26, 2002). In summary, the January 19, 2002 Order prohibited the importation of captive cervids unless: (1) the captive cervids originated from a state/province in which CWD is not known to exist; or (2) the captive cervids originated from a farm/herd of origin that has been enrolled in a state-approved CWD monitoring program for at least five years.

E. By Order issued on July 29, 2002 and effective August 1, 2002, the Pennsylvania Game Commission has banned the importation of cervids into the Commonwealth of Pennsylvania.

F. The referenced July 29, 2002 Order of the Pennsylvania Game Commission imposes restrictions that are more stringent than those imposed by PDA in its January 19, 2002 Interstate/International Quarantine Order, thereby obviating the need for PDA to enforce its January 19, 2002 Interstate/International Quarantine Order.

G. In light of the foregoing, PDA deems it appropriate to suspend enforcement of its January 19, 2002 Interstate/International Quarantine Order to prevent confusion among persons who would be affected by both PDA's January 19, 2002 Interstate/International Quarantine Order and the referenced July 29, 2002 Order of the Pennsylvania Game Commission.

#### *Order*

The Pennsylvania Department of Agriculture, pursuant to the authority granted it under the Domestic Animal Law and § 1702 of the Administrative Code of 1929 (71 P.S. § 442), hereby suspends enforcement of the Interstate/International Quarantine Order issued on

January 19, 2002 and published at 32 *Pennsylvania Bulletin* 438 (January 26, 2002).

The period of this suspension shall be for no more than one year (until August 1, 2003), within which time PDA will monitor the efficacy of the July 29, 2002 Order of the Pennsylvania Game Commission and developments with respect to the prevalence, spread and detection of CWD in the cervid population and issue an Order extending the suspension of enforcement of the January 19, 2002 Interstate/International Quarantine Order, rescinding or otherwise modifying that Order.

This Order is effective August 1, 2002.

SAMUEL E. HAYES, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1425. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Order of Quarantine; Plum Pox Virus

*Whereas*, the Plant Pest Act (3 P.S. §§ 258.1—258.27) empowers the Pennsylvania Department of Agriculture (PDA) to take various measures to detect, contain and eradicate plant pests in this Commonwealth; and

*Whereas*, the powers granted PDA under the Plant Pest Act include (at 3 P.S. § 258.21) the power to establish quarantines to prevent the dissemination of plant pests within this Commonwealth; and

*Whereas*, Plum Pox Virus—a plant pest indigenous to Europe—is a serious plant pest that injures and damages stone fruits such as peaches, nectarines, plums, and apricots by drastically reducing the fruit yields from these stone fruit trees and by disfiguring the fruit to the point it is unmarketable; and

*Whereas*, as a result of the presence of Plum Pox Virus in several townships and boroughs, PDA has issued a series of quarantine orders establishing and adjusting a quarantine area; and

*Whereas*, to date these quarantine orders have established a quarantine area covering the following:

1. Adams County: Latimore Township and Huntington Township (29 Pa.B. 5735—November 6, 1999)
2. Cumberland County: South Middleton Township (30 Pa.B. 3269—July 1, 2000)
3. Adams and Cumberland Counties: Dickinson Township (Cumberland County) and portions of Menallen Township and Tyrone Township (Adams County)(30 Pa.B. 4357—August 19, 2000)
4. Adams and Cumberland Counties: the Borough of York Springs (Adams County) and the Borough of Mount Holly Springs (Cumberland County) (30 Pa.B. 5852—November 11, 2000)
5. York County: Washington Township and Franklin Township (31 Pa.B. 3560—July 7, 2001)
6. Cumberland County: Southampton Township (31 Pa.B. 3559—July 7, 2001)
7. Franklin County: Quincy Township and the Borough of Mont Alto (31 Pa.B. 5117—September 8, 2001)

*Whereas*, Plum Pox Virus has since been detected on stone fruit trees located in Monaghan Township and Conewago Township, York County—areas adjoining or near the current quarantine area; and

*Whereas*, Plum Pox Virus has the potential to cause serious damage to the stone fruit production industry within this Commonwealth; and

*Whereas*, Plum Pox Virus is transmitted from infected trees by aphids and by budding or grafting, and can be spread into new areas by movement of infected nursery stock; and

*Whereas*, the movement of Plum Pox Virus-infected fruit trees poses a danger to stone fruit trees in non-infected areas; and

*Whereas*, there is no known control for Plum Pox Virus other than destruction of infected trees.

*Now, therefore*, under authority of Section 21 of the Plant Pest Act (act of December 16, 1992, P. L. 1228, No. 162)(3 P. S. § 258.21), the Pennsylvania Department of Agriculture hereby establishes a quarantine effective in the following areas:

1. Monaghan Township, York County; and
2. Conewago Township, York County.

This quarantine prohibits the movement of stone fruit trees and stone fruit budwood within the quarantined area, and prohibits the movement of stone fruit trees and stone fruit budwood out of the quarantined area.

This quarantine order also prohibits the planting of stone fruit trees (apricot, nectarine, peach and plum) in

the quarantined area. This prohibition applies to both fruit-bearing and ornamental varieties of stone fruit trees. Examples of common varieties of ornamental stone fruit trees include purpleleaf plum, flowering almond, flowering peach, purpleleaf sandcherry, flowering cherry, and weeping cherry.

PDA will consult with the United States Department of Agriculture, European experts and scientific authorities with respect to the most efficacious measures by which to contain and eliminate this serious plant pest. PDA will issue further restrictions under authority of this Quarantine Order, as is required under the Plant Pest Act (at 3 P. S. § 258.21(a)). These restrictions may address aphid control, elimination or reduction of aphid habitat, destruction of Plum Pox Virus-infected stone fruit trees and budwood, destruction of endangered or exposed stone fruit trees or budwood and any other measures necessary to the containment and elimination of the Plum Pox Virus in this Commonwealth.

This Order applies to commercial orchards, commercial nurseries, homeowners and all persons within the quarantine areas described above.

This quarantine is effective as of July 23, 2002.

SAMUEL E. HAYES, Jr.  
*Secretary*

[Pa.B. Doc. No. 02-1426. Filed for public inspection August 16, 2002, 9:00 a.m.]

## DEPARTMENT OF BANKING

### Action on Applications

The Department of Banking, under the authority contained in the act of November 30, 1965 (P. L. 847, No. 356), known as the Banking Code of 1965; the act of December 14, 1967 (P. L. 746, No. 345), known as the Savings Association Code of 1967; the act of May 15, 1933 (P. L. 565, No. 111), known as the Department of Banking Code; and the act of December 19, 1990 (P. L. 834, No. 198), known as the Credit Union Code, has taken the following action on applications received for the week ending August 6, 2002.

### BANKING INSTITUTIONS

#### Consolidations, Mergers and Absorptions

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-2-02	Founders Bank, Bryn Mawr, PA and Equity Bank, Marlton, NJ Surviving Institution— Equity Bank, Marlton, NJ	Bryn Mawr	Effective
Both institutions are wholly-owned by Susquehanna Bancshares, Inc., Lititz, PA, a multibank holding company.			

#### Branch Applications

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-6-02	Community Banks Millersburg Dauphin County	55 Wetzel Drive Hanover Conewago Township Adams County	Filed

**Branch Relocations**

<i>Date</i>	<i>Name of Bank</i>	<i>Location</i>	<i>Action</i>
8-2-02	Citizens Bank of Pennsylvania Philadelphia Philadelphia County	<i>To:</i> 225 W. Lancaster Ave. Ardmore Montgomery County  <i>From:</i> 354 W. Lancaster Ave. Haverford Montgomery County	Filed

**Articles of Amendment**

<i>Date</i>	<i>Name of Bank</i>	<i>Purpose</i>	<i>Action</i>
8-1-02	Sentry Trust Company Chambersburg Franklin County	Amendment to Article II provides for a change in the principal place of business from: 1930 Scotland Avenue to: 785 Fifth Avenue, both addresses in Chambersburg, Franklin County, PA 17201.	Approved and Effective

**SAVINGS INSTITUTIONS**

No activity.

**CREDIT UNIONS**

No activity.

FRANCES A. BEDEKOVIC,  
*Acting Secretary*

[Pa.B. Doc. No. 02-1427. Filed for public inspection August 16, 2002, 9:00 a.m.]

## DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

**Brodhead Watershed Conservation Plan**

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation has approved the Brodhead Watershed Conservation Plan (Plan) and is placing the Brodhead Creek, the watershed and all tributaries covered in the Plan in Pike and Monroe Counties, on the Pennsylvania Rivers Conservation Registry (Registry).

The Brodhead Watershed Association (Association) submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the DCNR has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of the Brodhead Creek Watershed (Pike and Monroe Counties) from the headwaters to its confluence with the Delaware River—285 square miles.

2. All tributary streams within the Brodhead Creek Watershed.

This action becomes effective August 17, 2002. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the final Plan is available for review at the Brodhead Watershed Association, P. O. Box 339,

Henryville, PA 18332, (570) 839-1120 and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th floor, Harrisburg, PA 17101, (717) 787-2316.

Maps and supporting data are on file at the Association.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 02-1428. Filed for public inspection August 16, 2002, 9:00 a.m.]

**Manatawny Creek Watershed Conservation Management Plan**

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation has approved the Manatawny Creek Watershed Conservation Management Plan (Plan) and is placing the Manatawny Creek, the watershed and all tributaries in Berks and Montgomery Counties; Sprogels Run, the watershed in Montgomery County and Sanatoga Creek, the watershed and all tributaries in Montgomery County covered in the Plan, on the Pennsylvania Rivers Conservation Registry (Registry).

The Berks County Conservancy (Conservancy) submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the DCNR has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. The watershed area of Manatawny Creek (Berks and Montgomery Counties) from the headwaters to its confluence with the Schuylkill River—91.5 square miles.

2. All tributary streams within the Manatawny Creek Watershed.

3. The watershed area of Sprogels Run (Montgomery County) from the headwaters to its confluence with the Schuylkill River—9.7 square miles.

4. The watershed area of Sanatoga Creek (Montgomery County) from the headwaters to its confluence with the Schuylkill River—15.5 square miles.

5. Hartenstine Creek, a tributary within the Sanatoga Creek Watershed.

This action becomes effective August 17, 2002. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through Program.

A copy of the Final Plan is available for review at Berks County Conservancy, 25 North Eleventh Street, Reading, PA 19601, (610) 392-4992 and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th floor, Harrisburg, PA 17101, (717) 787-2316.

Maps and supporting data are on file at the Conservancy.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 02-1429. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Upper Codorus Watershed Conservation Plan

The Department of Conservation and Natural Resources (DCNR), Bureau of Recreation and Conservation has approved the Upper Codorus Watershed Conservation Plan (Plan) and is placing a portion of the Codorus Creek Watershed (Watershed) in York County, on the Pennsylvania Rivers Conservation Registry (Registry).

The Codorus Chapter of Trout Unlimited No. 558 (Chapter) submitted the Plan and other required information to gain Registry status.

After review of the Plan and other information, the DCNR has determined that the Pennsylvania Rivers Conservation Program (Program) requirements have been satisfied and places the following on the Registry:

1. A portion of the Watershed, located within the municipal boundaries of Codorus Township, Hanover Borough, Heidelberg Township, Jackson Township, Jefferson Borough, Manheim Township, North Codorus Township, Penn Township, Paradise Township, Spring Grove Borough and West Manheim Township, York County—73.4 square miles.

2. Tributary streams within the Watershed, located within the municipal boundaries of Codorus Township, Hanover Borough, Heidelberg Township, Jackson Township, Jefferson Borough, Manheim Township, North Codorus Township, Penn Township, Paradise Township, Spring Grove Borough and West Manheim Township, York County.

This action becomes effective August 17, 2002. Projects identified in the Plan become eligible for implementation, development or acquisition grant funding through the Program.

A copy of the final Plan is available for review at Trout Unlimited Codorus Chapter No. 558, P. O. Box 194, Spring Grove, PA 17362, (717) 244-2048 and Department of Conservation and Natural Resources, Rachel Carson State Office Building, 400 Market Street, 6th floor, Harrisburg, PA 17101, (717) 787-2316.

Maps and supporting data are on file at the Chapter.

JOHN C. OLIVER,  
*Secretary*

[Pa.B. Doc. No. 02-1430. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Wild Resource Conservation Fund 2002 Annual Report

#### *Wild Resource Conservation Board Members*

John Oliver, Secretary  
Department of Conservation and Natural Resources

Honorable Peter A. Colangelo, Executive Director  
Fish and Boat Commission

Honorable Vern Ross, Executive Director  
Game Commission

Honorable Mary Jo White  
Majority Chairperson  
Senate Environmental Resources and Energy Committee

Honorable Raphael J. Musto  
Minority Chairperson  
Senate Environmental Resources and Energy Committee

Honorable Arthur D. Hershey  
Majority Chairperson  
House Committee on Environmental Resources and Energy

Honorable Camille "Bud" George  
Minority Chairperson  
House Committee on Environmental Resources and Energy

The following projects were funded with Growing Greener moneys:

### Wild Resource Conservation Fund 2001-2002 Projects

<i>Project</i>	<i>Sponsor</i>	<i>Amount</i>
Invertebrate Biodiversity of Game Lands #211 Bioblitz	Penn State	\$7,000
Evaluating Reintroduced River Otters	Frostburg University	\$25,000
Den Affinity & Movement Patterns of Allegheny Woodrat	Penn State	\$7,000
Extension Fact Sheets on Wildlife	Penn State	\$10,000

<i>Project</i>	<i>Sponsor</i>	<i>Amount</i>
Important Bird Areas Volunteer Training and Bird Monitoring	National Audubon	\$10,000
Important Bird Area Conservation Project	National Audubon	\$20,000
Susquehanna River Birding & Wildlife Trail	National Audubon	\$50,000
Appalachian Cottontail Distribution in PA	Lock Haven University	\$9,000
Wild Action Grant	Game Commission	\$4,000
Impact of Hemlock Woolly Algeid Infestation on Habitat Use and Productivity of Hemlock Dependent Songbirds	East Stroudsburg Univ.	\$10,000
Preparation and Deposition of Vertebrate Specimens From Shippensburg Univ. to the State Museum	Nature Conservancy	\$17,000
Genetic Structure of Vernal Pond Salamander Populations	Shippensburg University	\$32,000
Survey Inland Populations of Burbot	Penn State	\$50,000
Assessment of Genetic Variation of Timber Rattlesnakes	Arcadia University	\$9,275
Conservation and Management of Fish, Herptiles, and Aquatic Species	Nature Conservancy	\$45,600
Impact of Timber Harvesting on Woodland Amphibians	Randy Cassell	\$9,000
Ex-Situ Conservation of PA Native Flora	Phipps Conservatory	\$5,000
Refining Knowledge of Vernal Ponds	Western PA Conservancy	\$20,000
Surveys of Aquatic & Terrestrial Plant Species	Morris Arboretum	\$30,000
Citizens Guide to the Control of Invasive Plants In Wetland and Riparian Ecosystems in The Chesapeake Bay Region	Alliance for the Chesapeake Bay	\$5,000
Native & Introduced Flora Associated with Glacial Lakes	Western PA Conservancy	\$20,000
Herbarium Studies of Plant Species of Special Concern in PA	Carnegie Museum of Natural History	\$5,500
Field Studies of Plant Species of Special Concern In PA	Nature Conservancy	\$10,000
2002 Rare Plant Inventory Within Northwest PA	Cleveland Museum	\$15,000
Use of PNDI Data Management System for PA Dept. of Agriculture Noxious Weed Survey Data	Nature Conservancy	\$15,000
Development of PA Biodiversity Conservation Plan	PA Biodiversity Partnership	\$30,000
Keystone Ecotones: The River Otter In A Changing Habitat	Celtic Moon Publishing	\$10,000
Rare Land Snails of Western PA	Appalachian Cons. Biology	\$9,000
Interactive Display	Friends of Wildwood Nature Center	\$10,000
Natural Areas Inventories	Nature Conservancy	\$200,000
Natural Areas Inventories	Western PA Conservancy	\$200,000

The Balance Sheet and Statement of Unreserved Fund Balance provided were prepared by the Comptroller's Office on a cash basis of accounting, combined with an encumbrance budgetary system. They were not prepared in accordance with General Accepted Accounting Principles.

*Department of Conservation and Natural Resources*

*Wild Resource Conservation Fund*

*Statement of Unreserved Fund Balance*

*for the period ended June 30, 2002*

Unreserved Fund Balance, Beginning	\$225,516.29
Revenue Received:	
Income Tax Check-offs	\$142,338.67
Voluntary Donations	103,646.31
Income from "Osprey" Film	7,332.00
Wild Plants License/Permits	2,100.00
Sale of Publications	12,324.73
Departmental Services	390.00
Wild Resource License Plate	115,430.14
Wild Resource Tee Shirts	657.00
Interest on Securities	15,552.79
Total Revenue Received	\$399,771.64
Prior Year Commitment Liquidations	\$173,339.81
Total Funds Available	\$798,627.74
Deductions:	
Administrative Expenses	\$276,4278.77
Administrative	16,060.82
Commitments (1)	
Project Expenses (2)	202,867.65
Project Commitments (3)	198,970.10
Total Deductions	\$694,327.34
Unreserved Fund Balance, Ending	\$104,300.40

(1) This figure does not include administrative commitments of \$1,803.90 contingently committed against future years spending authorizations.

(2) This figure does include \$77,478.57 in expenses from special projects approved by the WRCF Board.

(3) This figure does not include project commitments of \$113,334.60 (of which \$21,401.60 are special projects) contingently committed against future years spending authorizations.

(PREPARED BY COMPTROLLER'S OFFICE)

**Public Hearing**

The Wild Resource Conservation Board (Board) has scheduled a public hearing for September 10, 2002, 1 p.m. at the Wildwood Nature Center, 100 Wildwood Way, Harrisburg, PA. The purpose of the hearing is to provide individuals and organizations the opportunity to comment on the recommendations and programs funded with monies from the Wild Resource Conservation Fund (Fund). The Board is interested in hearing from any individual or organization that wishes to make comment on the projects submitted for funding to the agencies, Game Commission, Fish and Boat Commission or the Department of Conservation and Natural Resources (Department) list published in this notice. Agencies project recommendations for funding will be presented at the public hearing.

Only comments from the general public regarding the projects received will be heard at the September 10, 2002, public hearing.

The Board will then evaluate all recommendations submitted for its consideration and final funding decisions will be approved at the annual meeting on November 13, 2002.

### Annual Meeting

The Board has scheduled an annual meeting on November 13, 2002, 1 p.m., Fish and Boat Commission, 1601 Elmerton Ave., Erie Room, Harrisburg, PA. A full report will be presented on the allocation of moneys from the Fund. The Board will consider all presentations made at the public hearing and the plans outlined by the professional technical staffs of the Fish and Boat Commission, Game Commission and the Department.

The Fish and Boat Commission, the Game Commission and the Department will administer the recommendations funded by the Board. The recommendation selections will be based on their individual contribution to the management goals of three agencies and those outlined in the Wild Resource Conservation Act (32 P. S. §§ 5301—5313).

The following list includes the project recommendations requesting funding for 2002-2003 received by the Board. The public is invited to offer comment at the public hearing on September 10, 2002. The public hearing will be held at Wildwood Nature Center, 100 Wildwood Way, Harrisburg, PA at 1 p.m. Please limit comments to 5 minutes and provide eight copies for the Board.

### Project Submissions to the Department for WRCF Funding In 2002

- *2003 Rare Plant Inventory within Northwestern Pennsylvania*

**Objectives:** Search for new occurrences of rare plant communities and Plants of Special Concern in PA. Stewardship projects at Presque Isle, Erie National Wildlife Refuge and State Game Land 122 will be maintained and a stewardship project to restore rare habitat on the privately owned Edinboro Lake Fen in Erie County will be initiated. Continue searching for *Spiacea virginiana* on the Youghiogheny River. Provide advice to the Presque Isle Invasive Plant Control program and assess the effectiveness of the invasive species removal effort. Search for *Carex chordorhiza* will be continued in Tioga County.

**Justification:** There is a great need for additional inventory in northwestern region of this Commonwealth for Plants of Special Concern in PA. If rare plants or rare natural communities are identified prior to development, a development can be altered or constructed in a manner that will allow the plants to survive. Discovery of the rare natural communities allows conservation groups to make an effort to purchase a property before it is threatened by development. Landowners often decide to contribute a property after they have been informed that the property has Statewide or global significance.

**Sponsor:** The Cleveland Museum of Natural History

**Cost:** \$15,000

- *Herbarium and Field Studies of Pennsylvania Plants of Special Concern*

**Objectives:** Provide essential data from herbarium specimens deposited at Carnegie Museum to PNDI for use in managing and conserving this Commonwealth's natural resources, and provide important services to staff of other organizations that are involved in conservation efforts in this Commonwealth: (1) data recording and specimen verification; (2) discover and document new taxa for this

Commonwealth; (3) field survey for POSCIP species; and (4) herbarium services to the Heritage Program.

**Justification:** Specimen label data and accurate identification of specimens are essential to efforts to monitor populations of POSCIP species. Correct taxonomic determinations are critical not only to the reliability of the PNDI database as a tool for environmental review, but also for various organizations and individuals, which rely on specimen label data for personal and professional studies.

**Sponsor:** Carnegie Museum of Natural History

**Cost:** \$19,230

- *Documenting the Native and Introduced Flora Associated with Glacial Lakes in Northwest PA, with Emphasis on Invasive Alien Species*

**Objectives:** Compile for each glacial lake in western Pennsylvania a list of plant species presently documented with herbarium specimens. Conduct field studies to produce more complete and current lists of the floras of these lakes. Map the locations of invasive alien plant species. Map the locations and assess the size and condition of occurrences of plant species of special concern. Map the major habitat areas of the lakes. Collect data that will assist community ecologists in characterizing aquatic natural communities. Provide baseline data from which changes in population sizes of rare species and invasive species can be detected. Provide recommendations for conservation planners and stewards regarding protection of rare plants and management of invasive species.

**Justification:** Glacial Lakes are among the most treasured natural features of this Commonwealth. Of the 2,500 glacial lakes in this Commonwealth only 50 were naturally formed. These lakes are important scenic and recreational resources and are the focus of much tourism activity. Glacial lakes also comprise habitat for many species of plants and animals that would not otherwise inhabit this Commonwealth.

**Sponsor:** Western Pennsylvania Conservancy

**Cost:** \$40,167

- *Continued Field Surveys of Aquatic and Terrestrial Plant Species of Special Concern in Eastern Pennsylvania and PNDI Project Review Assistance*

**Objective:** Expand the coverage of the PNDI database by conducting field inventories of poorly studied or completely undocumented sites of probable occurrence of plant species of special concern. Specific deliverables: PNDI field survey reports to be submitted to PNDI East for data entry. Recommend changes in the status of plant species of special concern as necessary. Recommendations submitted to the Rare Plant Forum for changes in the Plants of Special Concern lists. Survey aquatic vascular of northeastern Commonwealth lakes and coordinate with the Environmental Protection Agency's (EPA) water quality sampling program. Vascular plant survey data for lakes on the EPA's survey list. Provide services to project review staff at PNDI to assist in evaluating the potential impact of proposed development on occurrences of listed species.

**Justification:** In an effort to protect the natural biological diversity in this Commonwealth, land development proposals must be screened by PNDI to identify those that pose a threat to endangered, threatened, rare or candidate species. Additional surveys are needed to develop more complete data on which to base species classifications.

*Sponsor:* Morris Arboretum of the University of Pennsylvania

*Cost:* \$32,216

**Project Submissions to the Game Commission for Funding in 2002**

- *Evaluating the Distribution and Abundance of Reintroduced Otters in the Allegheny River Drainage: Applications of GIS, Genetic and Digital Technologies for Management of a Rare Species*

*Objectives:* In 1999, the Pennsylvania river otter reintroduction project was initiated to restore river otters to the Allegheny River drainage. To date, the project has released otters along Tionesta and Laurel Hill Creeks and the Allegheny and Youghiogheny Rivers. Verify the persistence of otters at reintroduction areas, delineate the current distribution of reintroduced otter populations in the Allegheny River drainage, use spatially referenced habitat data to develop and evaluate GIS-based models for documenting expansion and predicting the future distribution of otter populations throughout the Allegheny River drainage. Develop unique genetic tags for use in identifying individual otters through analysis of their scats deposited along shorelines.

*Justification:* Although initial radio tracking efforts and subsequent surveys suggest that the reintroduction project has been successful in restoring otters to western Pennsylvania, there has been no systematic approach implemented to evaluate long-term success of reintroduced populations. There is also a need to establish and refine techniques and protocols for monitoring the status and distribution of reintroduced otter populations.

*Sponsor:* Frostburg State University

*Cost:* \$52,140

- *Preparation and Deposition of Vertebrate Specimens from Shippensburg University and Other Collections into the State Museum of Pennsylvania*

*Objectives:* Organize and install all Shippensburg Vertebrate Museum specimens that have been transferred to the State Museum including specimens preserved in fluids and accessory collections. Organize and archive electronically if possible all paperwork concerning the above specimens including all trapline records, specimen sheets, accession records and any other pertinent paperwork. This will focus on those specimen sheets and paperwork that has not been bound to date.

*Justification:* With the closure of the Shippensburg Vertebrate Museum and transfer of the collection to the State Museum, the Curator of the Natural History Museum will need assistance with organizing, cataloging, storing and care of the collection of mammals and birds.

*Sponsor:* Nature Conservancy

*Cost:* \$26,638

- *IBA Monitoring Project*

*Objectives:* Continue and expand avian inventories and monitoring on forested Important Bird Areas (IBA), with a strong emphasis on volunteer training and involvement. Develop a Statewide model for forest bird monitoring. Recommend bird trails to enhance nature-based tourism, as appropriate.

*Justification:* The IBA Program and international program that began in this Commonwealth in 1996 provides a successful strategy for protecting habitats for birds and other wildlife. With the scientific assistance of this Commonwealth's Ornithological Technical Committee and

Audubon's Science Department, 78 IBA sites have been identified in PA. These sites represent biologically diverse and environmentally significant natural areas and provide critical habitat for birds, other wildlife and humans.

*Sponsor:* National Audubon

*Cost:* \$20,650

- *Susquehanna River Birding & Wildlife Trail*

*Objectives:* Identify, assess, highlight and connect bird and wildlife observation sites, nature centers and cultural sites. Generate locally based conservation and protection activities for bird and wildlife. Gain economic benefits from nature tourism for local communities. Produce web sites and other communication tools to guide wildlife watchers.

*Justification:* The Susquehanna Birding and Wildlife Trail will benefit key wildlife sites, such as IBAs, wetlands, nature centers, mammal areas and other sites by generating locally based conservation. Local communities will benefit economically through increased tourism.

*Sponsor:* National Audubon

*Cost:* \$50,000

- *Wild Action Grant*

*Objectives:* Provide financial and resource support for 20 schools and/or youth groups to create wildlife habitats and outdoor learning areas and incorporate these areas into school curriculum, club programming and after-school programs. Support a minimum of 500 students/youth members in developing these habitats for wildlife and outdoor learning. Promote partnerships between schools, youth organizations, community groups and State agencies in implementing action projects that foster wildlife conservation and earth stewardship.

*Justification:* To ensure habitat conservation for native plants and wildlife both now and in the future, it is essential that habitat conservation education programs be implemented in our schools and youth organizations. Loss of habitat for native plants and animals is a concern in which students can make a tangible difference.

*Sponsor:* Game Commission

*Cost:* \$4,000

- *The Effects of Forest Fragmentation on the Reproductive Success of Black-Capped Chickadees in PA*

*Objective:* Test if woodlot size influences the reproductive success of Black-capped Chickadees. Test if Black-capped Chickadees are affected by edge effects that are produced by forest fragmentation.

*Justification:* The information garnered by this project has the potential to provide evidence that forest fragmentation does affect common, resident birds such as Black-capped Chickadees.

*Sponsor:* Villanova University

*Cost:* \$4,350

- *Elwood City Hibernacula Protection*

*Objective:* Protect a critical bat hibernacula through construction of two bat friendly gates. By gating the mine we will protect the general public from the hazards of the mine. Produce a map of the mine to aid future population survey.

*Justification:* This abandoned limestone mine is a hibernacula for over 30,000 bats of five species, including the Federally endangered Indiana Bat. In hibernation, bats are vulnerable to disturbance and destruction. This



hibernacula is one of the two largest known in this Commonwealth and is currently accessible to the general public. Bats are long lived and have slow reproductive rates. This hibernacula is located in an area used by a high priority for protection, with high visibility and is in critical need of protection.

*Sponsor:* Sanders Environmental Inc.

*Cost:* \$7,600

- *Design and Survey Protocols for the 2nd Pennsylvania Breeding Bird Atlas*

*Objective:* Serve as the "kick-off" for Pennsylvania's 2nd Breeding Bird Atlas Project scheduled to begin January 1, 2004. We propose to conduct the design phase for the next Atlas over the course of 15 months preceding the official start of Atlas recordkeeping. Design sampling protocols to allow rigorous statistical comparisons of distribution and abundance for all breeding birds of this Commonwealth using data collected by volunteer and select paid staff atlasers. Develop an interactive computer infrastructure for data entry, analysis and archival in concert with the Cornell Laboratory of Ornithology.

*Justification:* Pennsylvania's 1st Breeding Bird Atlas was a monumental undertaking by professional and amateur ornithologists in this Commonwealth, and the results provided a wealth of information. From its inception, the 1st Atlas was intended to provide a baseline for subsequent efforts that would reliably track changes in composition, distribution and abundance through time.

*Sponsor:* Penn State

*Cost:* \$8,338

#### **Project Submissions to the Fish and Boat Commission for Funding in 2002**

- *Conservation and Management of Fish, Herptiles and Aquatic species—Special Projects*

*Objectives:* PNDI Reviews and Impact evaluation, Timber rattlesnake conservation and management, PFBC/TNC Liaison.

*Justification:* Presently, 54 fish, 12 herptiles and 2 freshwater mussels are on the Commonwealth's endangered, threatened and/or candidate species lists. The position provides much needed baseline data and technical assistance in nongame and endangered species conservation.

*Sponsor:* Nature Conservancy

*Cost:* \$46,984

- *A Radio-Telemetry Study of Habitat Use by Spotted Turtles*

*Objectives:* Determine, using radiotelemetry, habitat, use and movements of spotted turtles utilizing vernal pond habitats. Evaluate the effects of various human impacts, including timber management, forest roads and hiking trails, on spotted turtle habitat use. Use the information collected in meeting the first two objectives to make recommendations for conserving viable spotted turtle populations.

*Justification:* Populations of spotted turtles are declining throughout their range, most likely from a combination of habitat loss/degradation and overcollecting. These turtles utilize a variety of aquatic habitats, including vernal ponds. Little is known about the terrestrial habitat requirements of these turtles or how human impacts, such as timber harvest, forest roads or trails, affect turtle movements.

*Sponsor:* Shippensburg University

*Cost:* \$4,998

- *Survey of Fishes of Special Concern in Western Pennsylvania*

*Objectives:* Determine the status of the southern redbelly dace, least brook lampray, and gravel chub in Bull Creek. Prepare report on the status of these species based on this survey and other known data. Make recommendations for conservation, recovery and listing for these species.

*Justification:* I surveyed all the known historic sites for the southern redbelly dace, excepting those in Beaver County, and have not detected it. This work will finish this status survey and provide the basis for reassignment into endangered or extirpated status. There are records from the Bull Creek drainage for the endangered gravel chub from the late 1970s early 1980s, but its status there is unknown now.

*Sponsor:* Robert W. Criswell

*Cost:* \$2,050

- *Timber Rattlesnake Den Inventory and Assessment*

*Objectives:* Classify historic sites as dens, basking areas or rookeries. To verify/confirm and ground truth den locations using Global Positioning Systems (GPS). To describe habitat and use GPS to determine habitat boundaries. Assess threats to viable dens. Assess captured rattlesnakes for relative health and reproductive condition and mark them with PIT tags for research and identification purposes. Assist in ongoing population genetics study by obtaining blood samples. Rattlesnake and den habitat information will be entered into a database and submitted to the Fish and Boat Commission Nongame and Endangered Species Unit and Element Occurrences will be reported to PNDI.

*Justification:* The timber rattlesnake is designated as a candidate species to be listed as threatened or endangered in this Commonwealth. Given that the timber rattlesnake dens are central to the life history of this species, protecting dens is paramount to their conservation.

*Sponsor:* Christopher Urban

*Cost:* \$15,000

- *Crayfish Identification and Curation For PA*

*Objectives:* Provide 300 crayfish identifications for State employees, private citizens, students, and the like. Identification results will be sent in writing to the collector and/or relevant agency. Preserve and maintain all crayfish specimens and associated documentation at the Pennsylvania Crayfish Reference Collection housed at Lock Haven University. Purchase two GPS units to be used in crayfish collection. These units will be lent to collectors in this Commonwealth to facilitate GPS data collection for the construction of a GIS database.

*Justification:* During the 2002-2003 time frame, the Nature Conservancy and Western Pennsylvania Conservancy are constructing a classification of stream types from a "bottom-up" database of stream systems in this Commonwealth that will include crayfish. Additionally, crayfish collected during normal or targeted stream surveys are often either discarded or stored without further consideration, primarily because crayfish identification can be extremely difficult. No facility or professional biologist within this Commonwealth, except the PCRC, has until now been available to identify and curate these specimens.

*Sponsor:* Ted Nuttall

*Cost:* \$4,000

• *Inventory and Ecological Studies of Aquatic Snails in this Commonwealth*

*Objectives:* In conjunction with the Nature Conservancy, this project would help to better define the role that gastropods play in streams, lakes and wetlands in this Commonwealth. Examine sites across this Commonwealth, examining species present and measuring chemical and physical parameters. Coordinate the identification and compilation of data with museum and university experts as necessary. Produce a final report that will detail the fauna documented at all sites, any relationships between water quality and snail species and use of this data into the ongoing aquatic classification project by PNDI.

*Justification:* Ongoing research by PNDI is focusing on examining the various constituents of lotic zoological communities, primarily freshwater mussels, fishes and macroinvertebrates. Distributional data for these groups, along with abiotic data, are being examined to classify aquatic systems using a "bottom-up" approach. A data set for aquatic gastropods is not currently available due to lack of research.

*Sponsor:* Western Pennsylvania Conservancy

*Cost:* \$38,000

• *Survey of Inland Populations of Burbot in this Commonwealth*

*Objectives:* Survey all known and potential locations of Burbot populations outside of the Lake Erie catchment basin in this Commonwealth. Determine age/size structure of extant populations, habitat selectivity or extant populations, important breeding/nursery habitats of extant populations.

*Justification:* Glacial relict populations of burbot exist in the headwaters of the Susquehanna and Allegheny Rivers. Susquehanna populations are known only to exist in New York. Specimens have not been collected in the Pennsylvania portion of the Susquehanna. The absence of records may be due to lack of adequate sampling, extirpation or natural distribution.

*Sponsor:* Penn State

*Cost:* \$59,875

• *Appalachian Cottontail Distribution in this Commonwealth*

*Objective:* Determine the current distribution of Appalachian cottontail rabbits in this Commonwealth relative to the historical range as reported in literature. Determine an index of abundance for the Appalachian cottontail rabbit in selected locations to allow future comparisons and trend analysis. Determine general associations between selected habitat conditions and the presence/absence of Appalachian cottontail rabbits at selected trap locations. Produce management recommendations to conserve and enhance the Appalachian cottontail rabbit populations in this Commonwealth.

*Justification:* The current distribution and population trend of the Appalachian cottontail rabbit in this Commonwealth is unknown. This rabbit has declined substantially in adjoining states where monitoring efforts have been completed and has been identified in Commonwealth literature as either "at risk" and current biological survey classification as "Status Undetermined" due to lack of information. Prudent management decisions cannot be

made without current information about this rabbit's population status and distribution.

*Sponsor:* Lock Haven University

*Cost:* \$10,703

**Multiagency Project Submissions for Funding in 2002**

• *Biodiversity Conservation Plan: Inventory of Human Resources*

*Objectives:* Biodiversity Conservation Plan enters Phase 2 which is beginning to fill the gaps in our knowledge about the biodiversity in this Commonwealth. One of the gaps not fully addressed is an inventory of existing human resources and expertise in Pennsylvania biodiversity both internal and external to this Commonwealth. Expand the human resource inventory to all aspects of biodiversity (education, policy, stewardship, land management, and the like) as well as to update the database of taxonomists. Create a web-based directory of PA biodiversity experts with keyword search capability, identify expertise necessary for biodiversity conservation in this Commonwealth, determine what is presently lacking, begin to develop strategies for increasing the needed expertise and integrate the results into the Biodiversity Conservation Plan.

*Justification:* This project is critical to the development of a Pennsylvania Biodiversity Conservation Plan which specifically addresses recommendations in the *21st Century Environment Commission Report* (1998) and other documents. Conservation biodiversity is vital to the state's ecological health, economic vigor and quality of life of all citizens.

*Sponsor:* Pennsylvania Biodiversity Partnership

*Cost:* \$31,614

• *Refining the Natural Communities in PA through Zoological Studies on State Forest Lands*

*Objectives:* Filling data gaps sampling ponds that were either not sampled or only sampled 1 or 2 months during the first 2 years of this study due to drought or time constraints. An estimated 30,000 specimens will be examined and identified to family level. Identifications to the finest level possible with current keys and equipment available.

*Justification:* The current classification of natural communities in this Commonwealth is based primarily on assemblages of plants. It is a goal of this study to determine if invertebrate data can be used to define vernal pool community types; it would create a more comprehensive tool for land use planning, natural lands management and for designations of conservation areas.

*Sponsor:* Nature Conservancy

*Cost:* \$29,635

• *Wetland Diorama Exhibit at the Benjamin Olewine Nature Center at Wildwood Lake Sanctuary*

*Objectives:* Interactive exhibit for students and adults.

*Sponsor:* The Friends of Wildwood Lake Nature Center Inc.

*Cost:* \$35,000

• *County Natural Heritage Inventories*

*Objectives:* Complete county natural heritage inventories in two counties (Mercer and Huntingdon) and initiate and perform inventories on five additional counties in western Pennsylvania. Each project runs on a 2-year schedule and additional counties will begin each year as others are

completed. Products from the inventories include a report detailing the most significant ecological resources in the county under study, full scale maps covering the entire county, online information and findings and public presentations and education. The inventories will be available in both paper and electronic formats and will include GIS maps with a layer of Natural Heritage Area polygons.

*Justification:* Final results provide a list of the most important biological sites, identify the resources and map their locations. Sites are prioritized and recommendations are included regarding the management of the biological resources present. The inventory produces a written report and maps of the entire county with Natural Heritage Areas identified. These studies were conceived as tools to assist in planning at both the county and municipal levels and have been used effectively in that capacity.

*Sponsor:* Western Pennsylvania Conservancy

*Cost:* \$370,510

• *Counties Natural Areas Inventories*

*Objectives:* Complete the identification of sites with rare

species and exemplary natural communities in Schuylkill and Lebanon Counties, initiate three new county inventories for rare, threatened and endangered species and exemplary natural communities; provide these data to county and municipal officials, conservation organizations, the development community and the public to make better informed conservation decisions in the respective counties.

*Justification:* The 21st Century Environment Commission Report recommended funding for the completion of the NAI's as a step toward preserving this Commonwealth's natural diversity. To preserve that diversity, land use planners and others must know what that diversity is and where it is represented on the landscape.

*Sponsor:* Nature Conservancy

*Cost:* \$214,689

JOHN C. OLIVER,  
*Chairperson*

[Pa.B. Doc. No. 02-1431. Filed for public inspection August 16, 2002, 9:00 a.m.]

## DEPARTMENT OF ENVIRONMENTAL PROTECTION

### Applications, Actions and Special Notices

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#### APPLICATIONS

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#### NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMITS

#### NPDES APPLICATIONS

#### PART I PERMITS

Under the Federal Clean Water Act and The Clean Streams Law, the following parties have applied for an NPDES permit or to renew their current permit to discharge controlled wastewaters into the waters of this Commonwealth or to conduct other activities required by the NPDES permit. For renewal applications listed in Section I, the Department of Environmental Protection (Department) has made a tentative determination to reissue these permits for 5 years subject to effluent limitations and monitoring and reporting requirements in their current permits, with appropriate and necessary updated requirements to reflect new and changed regulations and other requirements. For all new permit applications, renewal application with major changes or applications for permits not waived by the EPA, the Department, based upon preliminary reviews, also made a tentative determination of proposed effluent limitations and other terms and conditions for the permit applications listed in Section II. These determinations are published as proposed actions for comments prior to taking final actions.

Unless indicated otherwise, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement, to the office noted before the application, within 30 days from the date of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held if the responsible office considers the public response significant. Following the comment period, the Department's Water Management Program Manager will make a final determination regarding these applications. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The renewal application, including proposed effluent limitations and special conditions, is available on file. For new permit applications, information submitted with the applications is available on file. The information may be inspected and arrangements made for copying at the office indicated before the application.

Persons with a disability, who require an auxiliary aid, service, including TDD users or other accommodations to seek additional information, should contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

**I. NPDES Renewal Applications**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

<i>NPDES No. (Type)</i>	<i>Facility Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Stream Name (Watershed #)</i>	<i>EPA Waived Y/N ?</i>
PA0081841	Thousand Trails, Inc. 493 South Mt. Pleasant Road Lebanon, PA 17042	Lebanon County South Annville Township	UNT to Gingrich Run 7D	Y
PA0082287	Philip Bongiorno Conference Center 430 Union Hall Rd. Carlisle, PA 17013	Cumberland County North Middleton Township	Condoquinet Creek 7B	Y
PA0111422	Thompsontown Municipal Authority P. O. Box 154 Thompsontown, PA 17094-0154	Juniata County Delaware Township	Delaware Creek 12B	Y
PA0085570	Millersburg Area Authority 101 West Street Millersburg, PA 17061-1321	Dauphin County Upper Paxton Township	Wiconisco Creek 6C	Y
PA0052396	O-Z/Gedney LLC 150 Birch Hill Road Shoemakersville, PA 19555	Berks County Perry Township	UNT to Schuylkill River 3B	Y
PA0082287	PA-DE District Council Assemblies of God Philip Bongiorno Conference Center 430 Union Hall Road Carlisle, PA 17013	Cumberland County North Middleton Township	Condoquinet Creek 7B	Y

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**PA0104388**, Sewage, **Susan S. Coleman**, 9305 Lake Carroll Drive, Zebulon, NC 27597. This proposed facility is located in Glade Township, **Warren County**.

Description of Proposed Activity: discharge of treated sewage from a single residence sewage treatment plant.

For the purpose of evaluating effluent requirements for TDS, NO<sub>2</sub>—NO<sub>3</sub>, fluoride and phenolics, the existing/proposed downstream potable water supply (stream and public water supplier) considered during the evaluation is the Allegheny River and the Emlenton Water Company located at Emlenton, 105 miles below point of discharge.

The receiving stream, Hemlock Run, is in Watershed 16-B and classified for: HQ-CWF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001 based on a design flow of 0.0004 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
Flow			
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
Fecal Coliform		200/100 ml as a geometric average	
Total Residual Chlorine	XX		
pH		6.0 to 9.0 standard units at all times	

XX—Monitor and report.

The EPA Waiver is in effect.

**II. Applications for New or Expanded Facility Permits, Renewal of Major Permits and EPA Nonwaived Permit Applications**

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 1942.*

**PA0042943**, Sewage, **Owen J. Roberts School District**, 901 Ridge Road, Pottstown, PA 19465. This application is for renewal of an NPDES permit to discharge treated sewage from sewage treatment plant in East Coventry Township, **Chester County**. This is an existing discharge to unnamed tributary to Schuylkill River.

The receiving stream is classified for the following uses: HQ-TSF, aquatic life, water supply and recreation.

The proposed effluent limits for Outfall 001, based on an average flow of 8,200 gpd are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
CBOD <sub>5</sub>		
(5-1 to 10-31)	15	30
(11-1 to 4-30)	25	50
Suspended Solids	30	60
Ammonia (as N)		
(5-1 to 10-31)	5.0	10.0
(11-1 to 4-30)	15.0	30.0
Total Residual Chlorine	1.0	2.0
Fecal Coliform	200 colonies/100 ml as a geometric average	
Dissolved Oxygen	minimum of 5.0 mg/l at all times	
pH	Within limits of 6.0—9.0 Standard Units at all times	

The EPA Waiver is in effect.

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*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**PA0053163**, Sewage, **Webster Youngs**, 5029 Vera Cruz Road, Center Valley, PA 18034. This proposed facility is located in Upper Saucon Township, **Lehigh County**.

The receiving stream, unnamed tributary of North Branch Saucon Creek, is in the State Water Plan Watershed #2 and is classified for: CWF.

The proposed effluent limits for Outfall 001 based on a design flow of .0005 MGD.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>			
(5-10 to 10-30)	10		20
(11-1 to 4-30)	20		40
Total Suspended Solids	10		20
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
Fecal Coliform	200/100 ml as a geometric mean		
(5-1 to 9-30)	6.0 to 9.0 standard units at all times.		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	Monitor and Report		

**PA0060194**, Sewage, **Blue Ridge School District**, R. R. 3, Box 220, New Milford, PA 18834-9503. This proposed facility is located in New Milford Township, **Susquehanna County**.

The receiving stream, Beaver Creek, is in the State Water Plan Watershed #4 and is classified for: HQ-CWF. The nearest downstream public water supply intake for Danville Water System is located on North Branch Susquehanna River.

The proposed effluent limits for Outfall 001 based on a design flow of 0.026.

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Average Weekly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>
CBOD <sub>5</sub>	25		50
Total Suspended Solids	30		60
NH <sub>3</sub> -N			
(5-1 to 10-31)	3.0		6.0
(11-1 to 4-30)	9.0		18.0
Dissolved Oxygen	A minimum of 5.0 mg/l at all times.		
Fecal Coliform	200/100 ml as a geometric mean		
(5-1 to 9-30)	2,000/100 ml as a geometric mean		
(10-1 to 4-30)	6.0 to 9.0 standard units at all times.		
pH	6.0 to 9.0 standard units at all times.		
Total Residual Chlorine	Monitor and Report		
(1st Month to 24th Month)			
(25th Month to Expiration)	1.2		2.8

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*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**Application No. PA 0009920**, Industrial Waste 4911, **AmerGen Energy Company, LLC (Three Mile Island Nuclear Station)**, Route 441 South, P. O. Box 480, Middletown, PA 17057. This facility is located in Londonderry Township, **Dauphin County**.

Description of activity: The application is for renewal of an NPDES permit for an existing discharge of treated industrial waste.

The receiving stream, Susquehanna River, is in Watershed 7-G and classified for WWF, water supply and recreation and fish consumption. The nearest downstream public water supply intake for Columbia Water Company is located on the Susquehanna River, approximately 11.1 miles downstream. The discharge is not expected to affect the water supply.

The proposed effluent limits for Outfall 001 (main station discharge) and Outfall 003 (emergency discharge) for a design flow of 81.02 MGD are:

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentrations (mg/l)</i>	
		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		From 6.0 to 9.0 inclusive	
Total Suspended Solids	Monitor and Report	Monitor and Report	XXX
Temperature (10-1 to 3-31)	XXX	110°F	XXX
(4-1 to 9-30)	XXX	115°F	XXX
Free Available Chlorine	XXX	0.2	0.5
Spectrus NX 1104	XXX	0.4	1.0
Spectrus OX 1200 (TRO)	0.07	0.14	0.17
Spectrus CT 1300	XXX	0.1	0.3
Hydrazine	XXX	XXX	Not Detectable
Powerline 3623	XXX	0.1	.3

The proposed effluent limits for Outfall 004 (emergency discharge) for a design flow of 81.02 MGD.

<i>Parameter</i>	<i>Average Monthly</i>	<i>Concentrations (mg/l)</i>	
		<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
pH		From 6.0 to 9.0 inclusive	
Total Suspended Solids	Monitor and Report	Monitor and Report	XXX
Temperature	XXX	Monitor and Report	XXX
Free Available Chlorine	XXX	0.2	0.5
Spectrus NX 1104	XXX	0.4	1.0
Spectrus OX 1200 (TRO)	0.07	0.14	0.17
Spectrus CT 1300	XXX	0.1	0.3
Hydrazine	XXX	XXX	Not Detectable
Powerline 3623	XXX	0.1	0.3

The proposed effluent limits for Outfall 005B for an estimated design flow of 0.5 MGD are as follows:

<i>Parameter</i>	<i>Average Monthly (mg/l)</i>	<i>Maximum Daily (mg/l)</i>	<i>Instantaneous Maximum (mg/l)</i>
pH	Within the limits of 6.0—9.0 S. U. at all times		
Total Suspended Solids	30	100	XXX
Oil and Grease	15	20	30

Outfall 006 is limited to intake screen backwash and pump strainer backwash. All debris collected on the intake screens must not be discharged back to the river.

Outfalls 101, 401, 501 and 701 are internal monitoring points tributary to Outfall 001.

Outfalls 005A and SWRO-1—SWRO-4 are stormwater outfalls. Monitoring will be required for CBOD<sub>5</sub>, chemical oxygen demand, total suspended solids, total phosphorus, total Kjeldahl Nitrogen, dissolved iron, oil and grease and pH. The permittee has the option of performing an annual inspection in lieu of monitoring for these outfalls.

The EPA waiver is not in effect.

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*Southwest Regional Office: Regional Manager, Water Management, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; (412) 442-4000.*

**PA0040312**, Industrial Waste, SIC 3341, **Molycorp, Inc.**, 300 Caldwell Avenue, Washington, PA 15301. This application is for a renewal of an NPDES permit to discharge springs/seeps and untreated stormwater from the Washington Plant in Canton Township, **Washington County**.

The following effluent limitations are proposed for discharge to the receiving waters, Chartiers Creek, classified as a WWF with existing and/or potential uses for aquatic life, water supply and recreation. The first existing/proposed downstream potable water supply is the West View Municipal Authority, 210 Perry Highway, Pittsburgh, PA 15229, approximately 45 miles below the discharge point.

*Outfalls 001 and 002:* existing discharge, design flow of 0.0174 mgd.

<i>Parameter</i>	<i>Mass (lb/day)</i>		<i>Concentration (mg/l)</i>		
	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Average Monthly</i>	<i>Maximum Daily</i>	<i>Instantaneous Maximum</i>
Flow	Monitor and Report				
TSS			30		100
Oil and Grease			15		30
Cadmium (T)			0.15		0.34
Silver (T)			0.17		1.41
Zinc (T)			0.61		1.46
Iron (T)			2.0		4.0
Molybdenum			10		20
TRC			0.5		1.0
pH	not less than 6.0 nor greater than 9.0 at all times				

The EPA waiver is in effect.

**PA0217611**, Sewage, **City of Pittsburgh**, 301 City-County Building, 414 Grant Street, Pittsburgh, PA 15219. This application is for issuance of an NPDES permit to discharge combined sewage from combined sewer outfalls in the City of Pittsburgh, **Allegheny County**.

*Outfalls:*

015P001	139B001	008RA02	012HM23	031MM36	080BA29A
016A001	139B002	008RA03	021AO10	042DO09	080BA30
016A002	139B003	008RA04	021DO30	043PC07	080EA29
030N001	139F001	008RA04A	021HO31	043RC03	080NA28
032N001	163G001	008RA05	021HO32	043RC05	104HC24
032P001	175L001	008RA06	021KO11	043SC02	104HC25
034R001	185H001	008SA07	021MO33	043SO08	107GC14
035A001	001FM01	008SA08	021MO34	044BO27	107SC15
035E001	001LM02	008SA09	021RO13	044R029	119MA33
035J001	001MM03	008SA10	021SO35	048DA26	119MA34
036R001	001MM03A	009BA59	021SO36	048DA27	119RA31
177K001	001SM04	009BA59A	024LA61	048FA65	119RA32
039E001	002NM05	009CA16	024MA18	048FA66	120CA36
039J001	003AM06	009EA56	024RA60	048GA25	120DA37
039K001	003BM07	009EA58	024SA17	048LA23	120DA37A
060A001	003BM08	009FA14A	024SA17A	048NA63	120EA35
068H001	003CM10	009FA15	024SA17B	048NA64	121AA38
068H002	003CM11	009JA11	025AA62	048PA21	121CA40
068P001	003CM11A	009JA12	025BA19B	048RA22	121HA41
088M001	003DM12	009JA13	025BA20	057AM37	122EA42
088S001	003DM13	009JA13A	025EA19	057KM38	009E001
095E001	007A037	009KA14	025FA19A	057KM39	
095J001	007A038	011RM19	025JA18A	057MM40	
096N001	007E039	011SM19B	025JA18B	067FC26A	
097L001	007K040	012AM14	029FM19A	067FC27	
184E001	007K041	012AM14A	029KM24	067KC28	
121H001	007M043	012AM15	029KM26	067KC29	
128P001	008LA47	012BM16	029PM27	069EC19	
128R001	008LA48	012BM17	029RM29	071CC11	
128R002	008MA49	012CM18	031DM32	071CC12	
129B001	008MA50	012CM20	031GM34	072RC13A	
134A001	008MA51	012DM21	031HM33	075A026	
138K001	008PA01	012DM22	031HM35	075A026A	

These outfalls discharge to the receiving waters known as Saw Mill Run, Little Saw Mill Run, unnamed tributary of Saw Mill Run, Becks Run, unnamed tributary to Becks Run, Bells Run, Bell Creek, Nine Mile Run, Irwins Run, Weyman Run, Allegheny River, Monongahela River, Ohio River, Streets Run and unnamed tributary of Streets Run serve as combined sewer overflows necessitated by stormwater entering the sewer system and exceeding the hydraulic capacity of the sewers and/or the treatment plant and are permitted to discharge only for this reason. There are no specific effluent limitations on the outfalls. Each discharge shall be monitored for cause, frequency, duration and quantity of flow.

Other Conditions: The City of Pittsburgh is required to implement the nine minimum technology based controls on a system wide basis and develop a long term control plan.

The EPA waiver is not in effect.

## WATER QUALITY MANAGEMENT PERMITS

### CONTROLLED INDUSTRIAL WASTE AND SEWAGE WASTEWATER

#### APPLICATIONS UNDER THE CLEAN STREAMS LAW

##### PART II PERMITS

The following permit applications or requests for plan approval have been received by the Department of Environmental Protection (Department).

Persons wishing to comment on any of the applications are invited to submit a statement to the office noted before the application within 15 days from the date of this public notice. Comments received within this 15-day comment period will be considered in making the final decision regarding the application. The comments should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based.

The Department reserves the right to hold a public hearing if the responsible office considers the public response significant. If a hearing is scheduled, a notice of the hearing will be published in the *Pennsylvania Bulletin* and a newspaper of general circulation of the area. If no hearing is held, the Department's Water Management Program Manager will make a final determination regarding the applications after a complete review. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

A copy of the permit application or proposed plan is on file in the office indicated and is open to public inspection. Appointments to review the application may be made by contacting Records Management at the indicated telephone number.

#### I. Industrial Waste and Sewerage Applications under The Clean Streams Law (35 P. S. §§ 691.1—691.1001).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**WQM Permit No. 2102408**, Sewerage, **Emanuel B. King**, 50 County Line Lane, Newburg, PA 17240. This proposed facility is located in Hopewell Township, **Cumberland County**.

Description of Proposed Action/Activity: Construct a small flow sewage treatment system to serve a single family residence on Clover Hill Road.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Application No. 6300404-A1**, Sewerage, **Midway Sewerage Authority**, P. O. Box 600, Midway, PA 15060. Application for the modification and operation of a wastewater treatment plant to serve the Midway Sewerage Authority located in Midway Borough, **Washington County**.

**Application No. 6502406**, Sewerage, **Ligonier Borough**, Town Hall, 120 East Main Street, Ligonier, PA 15658. Application for the replacement of gravity sewers to serve Ligonier Borough located in Ligonier Borough, **Westmoreland County**.

*Northwest Region: Water Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481.*

**WQM Permit No. 2502417**, Sewerage, **Fort LeBoeuf School District, Mill Village Elementary School**, 34 East Ninth Street, Waterford, PA 16441. This proposed facility is located in Mill Village Borough, **Erie County**.

Description of Proposed Action/Activity: This project is for the installation of an ultraviolet disinfection system at the existing school wastewater treatment plant.

**WQM Permit No. 2002415**, Sewerage, **University of Pittsburgh**, 3400 Forbes Avenue, Pittsburgh, PA 15260. This proposed facility is located in South Shenango Township, **Crawford County**.

Description of Proposed Action/Activity: This project is for the construction and operation of a small flow treatment facility to serve a proposed laboratory.

#### NPDES Stormwater Individual Permit

The following parties have applied for an NPDES permit to discharge stormwater associated with a construction activity into waters of this Commonwealth. Unless otherwise indicated, on the basis of preliminary review and application of lawful standards and regulations, the Department of Environmental Protection (Department) proposes to issue a permit to discharge, subject to certain limitations set forth in the permit conditions. These proposed determinations are tentative. Limitations are provided as erosion and sediment control best management practices which restrict the rate and quantity of sediment discharged.

Where indicated, the EPA Region III Administrator has waived the right to review or object to this proposed permit action under the waiver provision 40 CFR 123.24(d).

Persons wishing to comment on the proposed permit are invited to submit a statement to the appropriate Department Regional Office noted before the application within 30 days from the date of this public notice. Comments reviewed within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and relevant facts upon which it is based. A public hearing may be held after consideration of comments received by the appropriate Department Regional Office during the 30-day public comment period.

Following the 30-day comment period, the appropriate Regional Office Water Management Program Manager will make a final determination regarding the proposed permit. Notice of this determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The application and related documents, including the erosion and sediment control plan for the earth disturbance activity, are on file and may be inspected at the office identified in this notice.

Persons with a disability who require an auxiliary aid, service or other accommodation to participate during the 30-day public comment period should contact the specified Regional Office. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.



*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

*Lehigh County Conservation District: Lehigh Ag. Ctr., Suite 102, 4184 Dorney Park Road, Allentown, PA 18104, (610) 391-9583.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10Q245	Heritage Prop. Investment Trust 185 Great Neck Rd. Great Neck, NY 11021	Lehigh County City of Bethlehem	Monocacy Creek HQ

*Monroe County Conservation District: 8050 Running Valley Road, Stroudsburg, PA 18360, (570) 629-3060.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS10S114	LTS Development, Inc. P. O. Box 160 Shawnee-on-Delaware, PA 18356	Monroe County Stroud Township	Wigwam Run HQ-CWF

*Wayne County Conservation District: Ag Service Center, 470 Sunrise Avenue, Honesdale, PA 18431, (570) 253-0930.*

<i>NPDES No.</i>	<i>Applicant Name &amp; Address</i>	<i>County &amp; Municipality</i>	<i>Receiving Water/Use</i>
PAS107426	Wayne Highlands School District 474 Grove St. Honesdale, PA 18431	Wayne County Texas Township	Lackawaxen River HQ-TSF, MF

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

*Allegheny County Conservation District: Lexington Technical Park, Building #1, Suite 102, 400 North Lexington Avenue, Pittsburgh, PA 15208, (412) 241-7645.*

**NPDES Permit PAS10A097R**, Stormwater, **Spectra Development Company**, 2591 Wexford Bayne Road, Sewickley, PA 15143 has applied to discharge stormwater associated with a construction activity located in Franklin Park Borough, **Allegheny County** to Fish Run (CWF).

**NPDES Permit PAS10A117**, Stormwater, **National Land Development Corporation**, P. O. Box 545, Monroeville, PA 15146 has applied to discharge stormwater associated with a construction activity located in North Versailles Township, **Allegheny County** to Jacks Run/HQ-TSF.

## PUBLIC WATER SUPPLY (PWS) PERMIT

Under the Pennsylvania Safe Drinking Water Act, the following parties have applied for a PWS permit to construct or substantially modify a public water system.

Persons wishing to comment on the permit application are invited to submit a statement to the office listed before the application within 30 days of this public notice. Comments received within this 30-day comment period will be considered in the formulation of the final determinations regarding this application. Comment responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of a comment and the relevant facts upon which it is based. A public hearing may be held after consideration of comments received during the 30-day public comment period.

Following the comment period, the Department of Environmental Protection (Department) will make a final determination regarding the proposed permit. Notice of this final determination will be published in the *Pennsylvania Bulletin* at which time this determination may be appealed to the Environmental Hearing Board.

The permit application and any related documents are on file at the office listed before the application and available for public review. Arrangements for inspection and copying information should be made with the office listed before the application.

Persons with a disability who require an auxiliary aid, service or other accommodations to participate during the 30-day public comment period should contact the office listed before the application. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

## SAFE DRINKING WATER

### Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Northcentral Region: Water Supply Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

#### Permit No. 1702501-IT, Public Water Supply.

Applicant	<b>Burnside Borough</b>
Responsible Official	Richard L. Hoover, President P. O. Box 208 Burnside, PA 15721
Type of Facility	PWS
Consulting Engineer	Anthony J. Coval Lee-Simpson Associates, Inc.
Application Received Date	July 23, 2002
Description of Action	Installation of an innovative water treatment system.

*Central Office: Bureau Director, Water Supply and Wastewater Management, P. O. Box 8467, Harrisburg, PA 17105-8467.*

#### Permit No. 9996510, Public Water Supply.

Applicant	<b>Ice River Springs Water Company, Inc.</b>
Township or Borough	Feversham, Ontario, Canada
Responsible Official	Alexandra Gott, Vice President
Type of Facility	Out-of-State Bottled Water System
Application Received Date	July 29, 2002

Description of Action Applicant requesting Department approval to sell bottled water in this Commonwealth under the brand name Ice River Springs Natural Spring Water.

#### MINOR AMENDMENT

#### Applications Received under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Southeast Region: Water Supply Management Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

#### Application No. 0902506, Minor Amendment.

Applicant **Milford Township Water Authority**  
 Responsible Official Harry Koenig  
 1845 Rosenberge Road  
 Spinnerstown, PA 18968  
 Type of Facility PWS  
 Consulting Engineer Peter C. Andersen  
 Engineer Associates, Inc.  
 306 N. Fifth Street  
 Perkasie, PA 18944  
 Application Received July 30, 2002  
 Date  
 Description of Action Construction of a 750,00 gallon storage tank.

### LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

#### UNDER ACT 2, 1995

#### PREAMBLE 1

#### Acknowledgment of Notices of Intent to Remediate Submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).

Sections 302—305 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* an acknowledgment noting receipt of any Notices of Intent to Remediate. An acknowledgment of the receipt of a Notice of Intent to Remediate is used to identify a site where a person proposes to, or has been required to, respond to a release of a regulated substance at a site. Persons intending to use the background standard, Statewide health standard, the site-specific standard, or who intend to remediate a site as a special industrial area, must file a Notice of Intent to Remediate with the Department. A Notice of Intent to Remediate filed with the Department provides a brief description of the location of the site, a list of known or suspected contaminants at the site, the proposed remediation measures for the site and a description of the intended future use of the site. A person who demonstrates attainment of one, or a combination of the cleanup standards, or who receives approval of a special industrial area remediation identified under the Act, will be relieved of further liability for the remediation of the site for any contamination identified in reports submitted to and approved by the Department. Furthermore, the person shall not be subject to citizen suits or other contribution actions brought by responsible persons not participating in the remediation.

Under sections 304(n)(1)(ii) and 305(c)(2) of the Act, there is a 30-day public and municipal comment period for sites proposed for remediation using a site-specific standard, in whole or in part and for sites remediated as a special industrial area. This period begins when a summary of the Notice of Intent to Remediate is published in a newspaper of general circulation in the area of the site. For the sites identified, proposed for remediation to a site-specific standard or as a special industrial area, the municipality, within which the site is located, may request to be involved in the development of the remediation and reuse plans for the site if the request is made within 30 days of the date specified. During this comment period, the municipality may request that the person identified, as the remediator of the site, develop and implement a public involvement plan. Requests to be involved and comments should be directed to the remediator of the site.

For further information concerning the content of a Notice of Intent to Remediate, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice appears. If information concerning this acknowledgment is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following Notices of Intent to Remediate:

*Southeast Region: Environmental Cleanup Program Manager; Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**1008 Upper Gulph Road Site**, Tredyffrin Township, **Chester County**. Craig Herr, RT Environmental Services, Inc., 215 W. Church Rd., King of Prussia, PA 19406, on behalf of 1008 Upper Gulph Assoc., LP, 1008 Upper Gulph Rd., Wayne, PA 19087, has submitted a Notice of Intent to Remediate soil contaminated with lead, BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Main Line Times* on July 18, 2002.

**Sparango Construction Co., Inc.**, Whitemarsh Township, **Montgomery County**. Erik W. Stephens, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004, on behalf of Sparango Construction Co., Inc., 506 Bethlehem Pk., Ft. Washington, PA 19034, has submitted a revised Notice of Intent to Remediate soil contaminated with PCBs, lead, heavy metals, PAHs, solvents and pesticides. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Time Herald* on July 19, 2002.

**Bedrock Partners**, City of Philadelphia, **Philadelphia County**. Jason A. Charles, Environmental Maintenance Co., Inc., on behalf of Bedrock Partners, P. O. Box 29123, Philadelphia, PA 19127, has submitted a Notice of Intent to Remediate soil contaminated with aviation gasoline, diesel fuel, fuel oil no. 1, 2 and 4—6, jet fuel, kerosene, leaded gasoline, lead, MTBE, unleaded gasoline and used motor oil. The applicant proposes to remediate the site to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in *The Review* on June 5, 2002.

*Northeast Regional Field Office: Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Trehab Center (Pennstar Bank)**, Borough of Montrose, **Susquehanna County**. Hydrocon Services, Inc., 16 E. Minor Street, Emmaus, PA 18049 has submitted a Notice of Intent to Remediate (on behalf of Trehab Center, 10 Public Avenue, Montrose, PA 18801) concerning the remediation of soil contaminated with no. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in the *Susquehanna County Independent* on August 15, 2001. A Final Report was simultaneously submitted.

**Former Alcock Residence**, Westfall Township, **Pike County**. Salvatore Sciascia, President, S&M Management, Inc., P. O. Box 1429, 522 Routes 6 and 209, Milford, PA 18834 has submitted a Notice of Intent to Remediate (on behalf of Thomas and Laureen Alcock, Cramer Drive, Chester, NJ 07930) concerning the remediation of site soils found or suspected to be contaminated with no. 2 fuel oil. The applicant proposes to remediate the site to meet the Statewide health standard. A summary of the Notice of Intent to Remediate was published in the *Pike County Dispatch* on June 13, 2002. A Final Report was simultaneously submitted.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Whelan Investment Company a/k/a Ettline Foods Corporation**, Spring Garden Township, **York County**. Science Applications International Corporation, 6310 Allentown Boulevard, Harrisburg, PA 17112-3377, on behalf of Martin J. Whelan, 525 State Street, P. O. Box 563, York, PA 17405, submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX and PAHs. The applicant proposes to remediate the site to meet the Statewide Health standard requirements. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Dispatch/York Daily Record* on July 23, 2002.

**Former Federal Paperboard Plant**, West Manchester Township, **York County**. International Paper Company, 6400 Poplar Avenue, Tower II, 5-023, Memphis, TN 38197 submitted a Notice of Intent to Remediate site soils and groundwater contaminated with BTEX, PHCs and PAHs. The applicant proposes to remediate the site to meet a combination of the requirements for the Statewide Health and Site-Specific standards. A summary of the Notice of Intent to Remediate was reported to have been published in the *York Dispatch/York Daily Record* on July 15, 2002.

*Northcentral Region: Environmental Cleanup Program, 208 West Third Street, Williamsport, PA 17701.*

**Wise Foods, Inc.—Distribution/Potato Storage Property**, Berwick Borough, **Columbia County**. Gannett Fleming, on behalf of Wise Foods, Inc., 245 Townpark Drive, Suite 450, Kennesaw, GA 30144, has submitted a Notice of Intent to Remediate groundwater contaminated with Trichloroethylene and Cis, 1,2-dichloroethylene. The applicant proposes to meet the Background and/or Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Press Enterprise* on July 3, 2002. See additional notice in the Actions section of this *Pennsylvania Bulletin*.

**Naftel Residence**, Danville Borough, **Montour County**. Chambers Environmental Group, Inc., on behalf of Mr. and Mrs. Brian Naftel, 7 Breezy Court, Danville,

PA 17821, has submitted a Notice of Intent to Remediate soil contaminated with BTEX and PHCs. The applicant proposes to meet the Statewide Health Standard. A summary of the Notice of Intent to Remediate was reported to have been published in the *Press Enterprise* on July 20, 2002.

#### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Application received, under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit Application No. 100172. Arden Landfill Inc.**, 1550 Coraopolis Heights Road, Moon Township, PA 15108. Arden Landfill, Arden Station Road (off North Main Street), Washington, PA 15301. An application for the permit renewal of a municipal waste landfill in Chartiers Township, **Washington County** was received in the Regional Office on July 26, 2002.

Comments or information concerning the application should be directed to Karl Hartner, Environmental Engineer 3, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222-4745. TDD users may contact the Department through the Pennsylvania Relay Service, (800) 654-5984. Public comments must be submitted within 60 days of this notice and may recommend revisions to and approval or denial of the application.

### AIR QUALITY

#### PLAN APPROVAL AND OPERATING PERMIT APPLICATIONS

##### NEW SOURCES AND MODIFICATIONS

The Department of Environmental Protection (Department) has developed an "integrated" plan approval, State Operating Permit and Title V Operating Permit program. This integrated approach is designed to make the permitting process more efficient for the Department, the regulated community and the public. This approach allows the owner or operator of a facility to complete and submit all the permitting documents relevant to its application one time, affords an opportunity for public input and provides for sequential issuance of the necessary permits.

The Department has received applications for plan approvals and/or operating permits from the following facilities.

Copies of these applications, subsequently prepared draft permits, review summaries and other support materials are available for review in the Regional Office identified in this notice. Persons interested in reviewing the application files should contact the appropriate Regional Office to schedule an appointment.

Persons wishing to receive a copy of the proposed Plan Approval or Operating Permit must indicate their interest to the Department Regional Office within 30 days of the date of this notice and must file protests or comments on a Proposed Plan Approval or Operating Permit within 30 days of the Department providing a copy of the proposed document to that person or within 30 days of its publication in the *Pennsylvania Bulletin*, whichever comes first. Interested persons may also request that a hearing be

held concerning the proposed plan approval and operating permit. Comments or protests filed with the Department Regional Offices must include a concise statement of the objections to the issuance of the plan approval or operating permit and relevant facts, which serve as the basis for the objections. If the Department schedules a hearing, a notice will be published in the *Pennsylvania Bulletin* at least 30 days prior the date of the hearing.

Persons with a disability who wish to comment and require an auxiliary aid, service or other accommodation to participate should contact the Regional Office identified. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.

Final plan approvals and operating permits will contain terms and conditions to ensure that the source is constructed and operating in compliance with applicable requirements in 25 Pa. Code Chapters 121–143, the Federal Clean Air Act and regulations adopted under the Act.

### PLAN APPROVALS

**Plan Approval Applications Received under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B that may have special public interest. These applications are in review and no decision on disposition has been reached.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**41-318-045B: High Steel Structures, Inc.** (P. O. Box 10008, Lancaster, PA 17605) for modification of a structural steel surface coating operation by increasing the allowable emission of hazardous air pollutants in the City of Williamsport, **Lycoming County**. The surface coating operation is subject to the “case-by-case” maximum achievable control technology requirements of section 112(g) of the Federal Clean Air Act.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.*

**02135: Kvaerner Philadelphia Shipyard, Inc.** (2100 Kitty Hawk Avenue, Naval Business Center, Philadelphia, PA 19112) for a nitrogen oxides plant-wide applicability limit in the City of Philadelphia, **Philadelphia County**.

**02138: United States Navy** (5001 South Broad Street, Code 027, Philadelphia, PA 19112) for installation of a 434 HP diesel test engine in the City of Philadelphia, **Philadelphia County**.

**Intent to Issue Plan Approvals and Intent to Issue or Amend Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001–4015) and 25 Pa. Code Chapter 127, Subchapter B. These actions may include the administrative amendments of an associated operating permit.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**15-00085: Lincoln University** (1570 Baltimore Pike, Lincoln University, PA 19352) in Lower Oxford Township, **Chester County**. The facility's major emission points include 43 boilers and 13 generators, which have the potential to emit major levels of NOx before taking limitations.

**23-00095: Norquay Technology, Inc.** (800 West Front Street, Chester, PA 19016) for a Synthetic Minor Operating Permit in the City of Chester, **Delaware County**. The facility manufactures custom and specialty chemicals. The sources of emissions include two boilers, process area, scrubbers and condensers. The facility has a potential to emit 11 tons of VOCs, 10 tons per year for single HAPs and 25 tons per year for any combination of HAPs. Monitoring, recordkeeping and reporting requirements have been added to the operating permit to address applicable limitations.

**15-00057: Coatesville Hospital Corp.** (201 Reeceville Road, Coatesville, PA 19320) for a Synthetic Minor Operating Permit in Caln Township, **Chester County**. The facility is a medical facility providing patient care. The sources of emissions include two boilers and two diesel emergency generators. The facility has a potential to emit 24.9 tons of NOx. Monitoring, recordkeeping and reporting requirements have been added to the operating permit to address applicable limitations.

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Ronald Davis, New Source Review Chief, (717) 705-4702.*

**06-05100C: Calpine Construction Finance Co. LP** (5115 Pottsville Pike, Reading, PA 19605) for modification of the cooling towers controlled by mist eliminators at an electric power generating plant in Ontelaunee Township, **Berks County**. The modification will increase the potential particulate emissions limit to 5.26 tons per year from the source. The source is subject to 40 CFR Part 52, Prevention of Significant Deterioration. The Plan Approval will include a limit on the total solids in the water processed in the coolers. The plan approval will include monitoring, recordkeeping, work practices and reporting requirements designed to keep the source operating within all applicable air quality requirements. The facility is presently covered by the Plan Approval Nos. 06-5100, 06-5100A and 06-5100B. The plan approval will be incorporated into a Title V Operating Permit at a later date.

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Devendra Verma, New Source Review Chief, (814) 332-6940.*

**10-001G: AK Steel Corp.** (Route 8 South, P. O. Box 832, Butler, PA 16003) for installation of a steel ladle slag skimming station in the City of Butler, **Butler County**. The operating permit will be subject to the following conditions:

1. This source is subject to 25 Pa. Code §§ 123.1, 123.13 and 123.41.

2. AK Steel shall record steel throughput through the slag skimming station on a monthly basis. These records shall be maintained onsite and available to Department personnel upon request. The records shall remain on file for a period of at least 5 years.

3. AK Steel shall perform weekly visible observations of the melt shop area. These observations shall be taken by a trained, certified individual. If emissions are observed, the observation shall be recorded in a weekly log. The time, location and description of the emissions shall also be recorded. The log shall be maintained onsite and available to Department personnel upon request. The records shall remain on file for a period of at least 5 years.

4. At all times, the #1/2 baghouse shall be in operation during the slag skimming, handling and load-out operations.

5. All records shall be maintained for a period of at least 5 years.

6. The source shall be operated and maintained in accordance with the manufacturer's specifications and in accordance with good air pollution control practices.

The previous conditions will satisfy the requirements of 25 Pa. Code § 127.12b and will demonstrate the best available technology for the source.

*Department of Public Health, Air Management Services: 321 University Avenue, Philadelphia, PA 19104; Contact: Thomas Barsley, Chief, (215) 685-9428.*

**02082: Lawrence-McFadden Co.** (7430 State Road, Philadelphia, PA 19136) for acceptance of facility-wide limits for HAP emissions of less than 10 tons per rolling 12-month period for each individual HAP and 25 tons per rolling 12-month period for combined HAPs at their facility in the City of Philadelphia, **Philadelphia County**. To assure compliance with these emission limits, the total HAP material throughput for the facility, including the HAP fraction of materials that partially consist of HAPs, will be limited to less than 279 tons per rolling 12-month period for each individual HAP and 720 tons per rolling 12-month period for combined HAPs. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**02083: Cardone Industries American Street Complex** (4443 North American Street, Philadelphia, PA 19120) for establishing a declining plant-wide applicability limit for VOCs. This is a Title V facility. During the 5 year period ending December 31, 2007, the facility's VOC emissions will decrease from 100 tons per year to 88 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

**02084: Cardone Industries Rising Sun and Chew Street Complex** (5660 Rising Sun Avenue, Philadelphia, PA 19120) to establish a declining plant-wide applicability limit for VOCs. This is a Title V facility. During the 5 year period ending December 31, 2007, the facility's VOC emissions will decrease from 360 tons per year to 316.8 tons per year. The plan approval will contain operating and recordkeeping requirements to ensure operation within all applicable requirements.

#### OPERATING PERMITS

##### **Intent to Issue Title V Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Northwest Region: Air Quality Program, 230 Chestnut Street, Meadville, PA 16335-3481; Contact: Eric Gustafson, Facilities Permitting Chief, (814) 332-6940.*

**25-00916: Ridg-U-Rak, North East Plant** (120 South Lake Street, North East, PA 16428) for a Title V Operating Permit Reissuance to operate a Metal Shelving Manufacturing Facility in North East Borough, **Erie County**.

**25-00326: Foamex LP—Corry Plant** (466 Shady Avenue, Corry, PA 16407) for a Title V Operating Permit Reissuance to operate a Flexible Polyurethane Foam Manufacturing Facility in Corry Borough, **Erie County**.

##### **Intent to Issue Operating Permits under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

*Southcentral Region: Air Quality Program, 909 Elmerton Avenue, Harrisburg, PA 17110; Contact: Yasmin Neidlinger, Facilities Permitting Chief, (717) 705-4702.*

**06-05001: Adelphi Kitchens, Inc.** (P. O. Box 10, Robeson, PA 19551) for operation of the wood kitchen cabinet manufacturing facility in Robeson Borough, **Berks County**. Actual emissions are estimated to be 26 tons per year of VOC and less than 1 ton per year each of PM<sub>10</sub>, SO<sub>x</sub>, NO<sub>x</sub>, CO and HAPs. Potential emissions are limited to 39 tons per year of VOC and 25 tons per year of HAPs. Site-level restrictions of operating hours and emissions are included to keep the facility a non-Title V facility. Standard monitoring, recordkeeping and operating restrictions are included to keep the facility operating within all applicable requirements.

**36-05070: Lancaster Laboratories, Inc.** (2425 New Holland Pike, Lancaster, PA 17605) for operation of a commercial testing laboratory in East Lampeter Township, **Lancaster County**. The facility has the potential to emit HAPs at the rate of about 132 tons per year. The facility has elected to limit the use of methylene chloride to 19,500 pounds per year to limit the emissions of HAPs to less than 25 tons per year. The Synthetic Minor Operating Permit shall contain appropriate testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

**38-05004: Kountry Kraft Kitchens, Inc.** (291 South Sheridan Road, Newmanstown, PA 17073) for operation of its wood kitchen cabinet manufacturing facility in Millcreek Township, **Lebanon County**. The facility has the potential to emit 104 tons per year of VOCs and 43 tons per year of HAPs from their surface coating operation. Fuel combustion sources have the potential to emit 10 tons per year of CO, 5 tons per year of PM, 4 tons per year of NO<sub>x</sub> and 1 ton per year of SO<sub>x</sub>. The facility has restricted their hours of operation to 2,106 hours per year to achieve VOC emissions of less than 50 tons per year and combined HAPs emissions of less than 25 tons per year. The Synthetic Minor Operating Permit shall contain additional testing, monitoring, recordkeeping and reporting requirements, emission restrictions and work practice standards designed to keep the facility operating within all applicable air quality requirements.

#### PUBLIC HEARINGS

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**03-000-026: Eljer Plumbingware, Inc.** (1301 Eljer Way, Ford City, PA 16226) to receive comments on the proposed approval of their Reasonably Available Control Technology (RACT) Plan for their facility in Ford City, **Armstrong County**. The proposed NO<sub>x</sub> RACT Operating Permit is for the RACT to 11 natural gas-fired vitreous ceramic sanitary-ware kilns requiring annual tune-ups on the combustion process. The other sources at the facility (miscellaneous combustion sources) will take presumptive RACT for maintenance and operation in accordance with the manufacturer's specifications. A final RACT approval will be submitted to the EPA as a revision to the Commonwealth's State Implementation Plan.

The public hearing will be held on September 19, 2002, at 10 a.m. in the Allegheny Conference Room, Department of Environmental Protection, Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA.

Persons wishing to present testimony at the hearings should contact Betsy Mallison at (412) 442-4182 by September 18, 2002. Oral testimony will be limited to a maximum of 10 minutes and two written copies of the testimony should be provided. Each organization is requested to designate one witness to present testimony on its behalf.

Those unable to attend the hearings, but wishing to comment, should provide written comments to Mark R. Gorog, New Source Review, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA, 15222. Comments should be submitted within 30 days of the date of this publication notice.

## MINING ACTIVITY APPLICATIONS

Applications under the Surface Mining Conservation and Reclamation Act (52 P. S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P. S. §§ 3301—3326); The Clean Streams Law (35 P. S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P. S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P. S. §§ 1406.1—1406.21). Mining activity permits issued in response to the applications will also address the applicable permitting requirements of the following statutes: the Air Pollution Control Act (35 P. S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003).

The following permit applications to conduct mining activities have been received by the Department of Environmental Protection (Department). A copy of the application is available for inspection at the District Mining Office indicated before each application. Where a 401 Water Quality Certification is needed for any aspect of a particular proposed mining activity, the submittal of the permit application will serve as the request for certification.

Written comments, objections or requests for informal conferences on applications, may be submitted by any person or any officer or head of any Federal, State or local government agency or authority to the Department at the same address within 30 days of this publication, or within 30 days after the last publication of the applicant's newspaper advertisement, as provided by 25 Pa. Code §§ 77.121—77.123 and 86.31—86.34 (relating to public notices of filing of permit applications, opportunity for comment and informal conferences).

Where any of the mining activities listed will have discharges of wastewater to streams, the Department will incorporate NPDES permits into the mining activity permits issued in response to these applications. NPDES permits will contain, at a minimum, technology-based effluent limitations (as described in the Department's regulations—25 Pa. Code §§ 77.522, 87.102, 88.92, 88.187, 88.242, 89.52 and 90.102) for iron, manganese, suspended solids, settleable solids, alkalinity and pH. In addition to the previous, more restrictive effluent limitations, restrictions on discharge volume, or restrictions on the extent of mining which may occur will be incorporated into a mining activity permit, when necessary, for compliance with water quality standards (in accordance with 25 Pa. Code Chapters 93 and 95). Persons or agencies which have requested review of the NPDES

permit requirements for a particular mining activity within the previously-mentioned public comment period will be provided with a 30-day period to review and submit comments on those requirements.

Written comments or objections should contain the name, address and telephone number of persons submitting comments or objections; application number; and a statement of sufficient detail to inform the Department on the basis of comment or objection and relevant facts upon which it is based. Requests for an informal conference must contain the name, address and telephone number of requestor; application number; a brief summary of the issues to be raised by the requestor at the conference; and a statement whether the requestor desires to have the conference conducted in the locality of the proposed mining activities.

### Coal Applications Received

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**03020104 and NPDES Permit No. PA0250091. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application received to upgrade an access road to a haul road at a bituminous surface/auger mine located in Valley and Kittanning Townships, **Armstrong County**, affecting 261.5 acres. Receiving streams: unnamed tributaries to Cowanshannock Creek to Allegheny River, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Revision application received July 29, 2002.

**03020108 and NPDES Permit No. PA0250198. Seven Sisters Mining Co., Inc.** (P. O. Box 300, US Route 22, Delmont, PA 15626-0300). Application for commencement, operation and reclamation of a bituminous surface mine located in South Bend Township, **Armstrong County**, affecting 183.5 acres. Receiving streams: unnamed tributaries to Crooked Creek, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received July 15, 2002.

**26020104 and NPDES Permit No. PA0250201. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Application for commencement, operation and reclamation of a bituminous surface mine located in Springfield Township, **Fayette County**, affecting 43.4 acres. Receiving streams; unnamed tributaries to Poplar Run to Poplar Run to Indian Creek, classified for the following use: CWF. The first downstream potable water supply intake from the point of discharge is Indian Creek Valley Water Authority. Application received July 26, 2002.

**63-02-02 and NPDES Permit No. PA0250210. Robinson Coal Company** (200 Neville Road, Pittsburgh, PA 15225). Application for a government financed construction contract located in Robinson Township, **Washington County**, affecting 30 acres. Receiving stream: unnamed tributary to Little Raccoon Run and Little Raccoon Run, classified for the following use: WWF. There is no potable water supply intake within 10 miles downstream from the point of discharge. Application received July 23, 2002.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**05773002 and NPDES Permit No. PA0605964. Dash Coal Company, Inc.,** P. O. Box 517, Stoystown, PA

15563, permit revision for sandstone removal on a bituminous surface mine and for discharge of treated mine drainage in Broadtop Township, **Bedford County**, affecting 258.5 acres. Receiving streams: unnamed tributary to Shreves Run; unnamed tributary to Six Mile Run; Six Mile Run; and Shreves Run classified for the following use: WWF. The first downstream potable water supply intake from the point of discharge is Saxton Municipal Waterworks on the Raystown Branch Juniata River. Application received July 22, 2002.

**11970106 and NPDES Permit No. PA0234591. Laurel Sand & Stone, Inc.**, 163 Cricket Lane, P. O. Box 629, Carrolltown, PA 15722, permit transfer from Laurel Land Development, Inc., P. O. Box 629, Carrolltown, PA 15722 for continued operation of a bituminous surface and sandstone removal mine and for discharge of treated mine drainage in Jackson Township, **Cambria County**, affecting 75.5 acres. Receiving streams: unnamed tributary to South Branch of Blacklick Creek; unnamed tributaries to Hinckston Run; and Bracken Run classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 29, 2002.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**56841606. NPDES Permit PA0110507, Scurfield Coal Inc.** (228 Main St., Berlin, PA 15530), to renew the permit for the Scurfield Coal Preparation Plant in Brothersvalley Township, **Somerset County**, renewal, Surface Acres Proposed N/A, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Application received June 21, 2002.

*Knox District Mining Office: White Memorial Building, P. O. Box 669, Knox, PA 16232-0669, (814) 797-1191.*

**24970102 and NPDES Permit No. PA 0227501. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip, clay removal, water treatment plant sludge cake placement and waste water treatment sludge operation in Fox Township, **Elk County** affecting 230.5 acres. Receiving streams: two unnamed tributaries to Brandy Camp Creek; one unnamed tributary to McCauley Run and McCauley Run, classified for the following uses: Statewide water uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received July 29, 2002.

**24990101 and NPDES Permit No. PA 0241491. Energy Resources, Inc.** (P. O. Box 259, Brockway, PA 15824). Renewal of an existing bituminous surface strip and auger operation in Horton Township, **Elk County** affecting 588.0 acres. Receiving streams: unnamed tributary to Mead Run and Mead Run, classified for the following uses: Statewide water uses: CWF. There are no potable surface water supply intakes within 10 miles downstream. Application received July 29, 2002.

**10920113 and NPDES Permit No. 0211451. B & B Coal Mining, Inc.** (R. D. 6, Friendship Plaza, Kittanning, PA 16201). Renewal of an existing bituminous surface strip and auger operation in Parker Township, **Butler County** affecting 147.9 acres. Receiving streams: unnamed tributary to South Branch Bear Creek, classified for the following uses: Statewide water uses: WWF. There are no potable surface water supply intakes within

10 miles downstream. Application for reclamation only. Application received July 29, 2002.

#### *Coal Applications Returned*

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**03020102 and NPDES Permit No. PA0250058. D. J. & W. Mining, Inc.** (Box 425, Indiana, PA 15701). Application withdrawn and returned for a bituminous surface mine located in Cadogan and North Buffalo Townships, **Armstrong County**, affecting 48.9 acres. Receiving streams: unnamed tributaries to Allegheny River. Application received January 22, 2002. Application withdrawn and returned: August 5, 2002.

#### *Noncoal Applications Received*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**64910303C5 and NPDES Permit PA0595462. Ciccone Construction, Inc.** (R. R. 2 Box 2455, Honesdale, PA 18431), renewal of NPDES Permit in Palmyra Township, **Wayne County**, receiving stream: unnamed tributary to Lake Wallenpaupack. Classified for the following use: CWF. Application received July 25, 2002.

### **FEDERAL WATER POLLUTION CONTROL ACT, SECTION 401**

The following permit applications and requests for Environmental Assessment approval and requests for Water Quality Certification have been received by the Department of Environmental Protection (Department). Section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)), requires the State to certify that the involved projects will not violate the applicable provisions of sections 301-303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311-1313, 1316 and 1317) as well as relevant State requirements. Initial requests for 401 Water Quality Certification will be published concurrently with the permit application. Persons objecting to approval of a request for certification under section 401 or to the issuance of a Dam Permit or Water Obstruction and Encroachment Permit, or the approval of an Environmental Assessment must submit any comments, suggestions or objections within 30 days of the date of this notice as well as any questions to the office noted before the application. Comments should contain the name, address and telephone number of the person commenting, identification of the certification request to which the comments or objections are addressed and a concise statement of comments, objections or suggestions including the relevant facts upon which they are based.

The Department may conduct a fact-finding hearing or an informal conference in response to comments if deemed necessary. Each individual will be notified, in writing, of the time and place of a scheduled hearing or conference concerning the certification request to which the comment, objection or suggestion relates. Maps, drawings and other data pertinent to the certification request are available for inspection between the hours of 8 a.m. and 4 p.m. on each working day at the office noted before the application.

Persons with a disability who wish to attend the hearing and require an auxiliary aid, service or other accommodation to participate in the proceedings should contact the specified program. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at (800) 654-5984.



**Applications Received under the Dam Safety and Encroachments Act (32 P. S. §§ 693.1—693.27) and section 302 of the Flood Plain Management Act (32 P. S. § 679.302) and Requests for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).**

**WATER OBSTRUCTIONS AND ENCROACHMENTS**

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E36-742. Glenn Good**, 321 Walnut Run Road, Willow Street, PA 17584 in Strasburg Township, **Lancaster County**, ACOE Baltimore District.

To maintain a constructed heifer barn and the resulting fill placed within the floodway of Walnut Run (WWF) at a point approximately 300 feet south of the intersection of Lime Valley and Bachman Roads on the Glenn W. Good property (Quarryville, PA Quadrangle N: 16.1 inches; W: 2.6 inches) in Strasburg Township, Lancaster County.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701, (570) 327-3636.*

**E41-509. Limestone Township Supervisors**, 1408 Quarry Road, Jersey Shore, PA 17740. Township Road 317 (Wells Road) culvert replacement, in Limestone Township, **Lycoming County**, ACOE Susquehanna River Basin District (Linden, PA Quadrangle N: 4.8 inches; W: 1.6 inches).

To remove an existing structure and construct and maintain a 13.8 foot by 5.45 foot aluminum box culvert on a skew of 27° in an unnamed tributary to Antes Creek located 0.5 mile south of the intersection of SR 0044 and T-317 along T-317, in Limestone Township, Lycoming County. This project proposes to have a minimal impact on the unnamed tributary to Antes Creek (CWF). This project does not propose to impact any jurisdictional wetlands.

**E41-510. Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. SR 2032 Segment 0080 unnamed tributary Bridge Replacement, in Mill Creek Township, **Lycoming County**, ACOE Susquehanna River Basin District (Huntersville, PA Quadrangle N: 11.7 inches; W: 7.8 inches).

To remove an existing structure and construct and maintain a reinforced concrete box culvert having a span of 17.0 feet, with a minimum underclearance of 5.0 feet on a skew of 70° in an unnamed tributary to Mill Creek located along SR 2032 Segment 0080 Offset 1641 and to construct, maintain and remove a temporary channel as well as construct a sand bag, concrete barrier all of which are located in Mill Creek Township, Lycoming County. This project proposes to have a minimal impact on and the unnamed tributary to Mill Creek (TSF; CWF). This project does propose to impact 0.002 acre of jurisdictional wetlands.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1387. The Estate of James A. Herbert**, Crossing of Wexford, P. O. Box 297, Wexford, PA 15090. Marshall Township, **Allegheny County**, ACOE Pittsburgh District.

To place and maintain fill in 0.24 acre of wetlands adjacent to an unnamed tributary to Pine Creek (CWF) for the purpose of constructing the Crossing of Wexford residential development. The project is located on the east

side of Wexford Run Road, approximately 240 feet south-east from the intersection of Wexford Run Road and Bayne and Wexford Road (Emsworth, PA Quadrangle N: 21.5 inches; W: 10.7 inches).

**E02-1388. Pennsylvania Department of Transportation, Engineering District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017. Plum Borough and Upper Burrell Township, **Allegheny and Westmoreland Counties**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a prestressed concrete spread box beam bridge having a normal span of 57.6 feet and an underclearance of 9.7 feet over Pucketa Creek (TSF). Also to construct and maintain a 30 inch diameter and a 24 inch diameter outfall in Pucketa Creek (TSF). The project is located on SR 2076 just north of its intersection with SR 0366 (New Kensington East, PA Quadrangle N: 6.0 inches; W: 12.3 inches).

**E02-1389. Phillips-Spring Properties, Inc.**, 2708 Phillips Avenue, Glenshaw, PA 15116. Shaler Township, **Allegheny County**, ACOE Pittsburgh District.

To place and maintain fill in 0.11 acre of wetlands adjacent to unnamed tributaries to Little Pine Creek (TSF) for the purpose of constructing an access road to the Elmwood Terrace No. 9 residential development located on the west side of Elmwood Drive, just southwest from the intersection of Elmwood Drive and Dorothy Drive (Glenshaw, PA Quadrangle N: 8.5 inches; W: 14.7 inches).

**E26-296. Fairchance Borough**, 125 West Church Street, Fairchance, PA 15436. Fairchance Borough, **Fayette County**, ACOE Pittsburgh District.

To construct and maintain an infiltration trench across an isolated wetland within the Georges Creek (WWF) watershed, in association with the construction of stormwater management facilities in the Glass Factory area, along Paper Alley between Delveresse and Diamond Streets. The project will affect approximately 0.06 acre of wetlands (Brownfield, PA Quadrangle N: 14.7 inches; W: 17.4 inches).

**E32-444. Pennsylvania Department of Transportation, Engineering District 10-0**, P. O. Box 429, Indiana, PA 15701. Canoe Township, **Indiana County**, ACOE Pittsburgh District.

To remove the existing structure and to construct and maintain a 12.0 foot x 6.0 foot precast concrete box culvert in an unnamed tributary to Canoe Creek (CWF). The invert of the culvert will have alternating baffles and will be depressed by 1.0 foot creating an effective underclearance of 5.0 feet. The project is located on SR 1044 approximately 3,000 feet west of the intersection with SR 0236 (Punxsutawney, PA Quadrangle N: 2.3 inches; W: 13.5 inches).

**E32-445. Pennsylvania Department of Transportation, Engineering District 10-0**, P. O. Box 429, Indiana, PA 15701. Rayne Township, **Indiana County**, ACOE Pittsburgh District.

To remove the existing structures and to construct and maintain the following structures and activities as part of horizontal alignment improvements and widening of 1.67 miles of SR 0119, Section 495. The project is located approximately 5 miles north of Indiana.

Relocate and maintain 119.0 meters of an unnamed tributary to Crooked Creek (CWF). Station 3 + 320 to 3 + 440 (Clymer, PA Quadrangle N: 15.2 inches; W: 14.0 inches).



Construct and maintain a 2,100 mm x 1,500 mm precast concrete box culvert in an unnamed tributary to Crooked Creek (CWF). The invert of the culvert will have baffles and will be depressed 300 mm. Station 3 + 450.92 (Clymer, PA Quadrangle N: 15.3 inches; W: 14.0 inches).

Construct and maintain a 2,100 mm x 1,450 mm pipe arch driveway culvert in an unnamed tributary to Crooked Creek (CWF) and in accordance with General Permit BDWM-GP-7. Station 3 + 349.15 (Clymer, PA Quadrangle N: 15.1 inches; W: 14.0 inches).

Construct and maintain a 900 mm diameter culvert and outfall in an unnamed tributary to Crooked Creek (CWF). Station 2 + 647.98 (Clymer, PA Quadrangle N: 14.4 inches; W: 14.0 inches). This pipe qualifies for Department waiver 105.12 (a)(2).

Construct and maintain a 450 mm diameter stormwater outfall in an unnamed tributary to Crooked Creek (CWF). Station 3 + 609.40 (Clymer, PA Quadrangle N: 15.5 inches; W: 14.0 inches).

Construct and maintain a 525 mm diameter stormwater outfall in an unnamed tributary to Crooked Creek (CWF). Station 3 + 529.93 (Clymer, PA Quadrangle N: 15.4 inches; W: 14.0 inches).

Construct and maintain a 450 mm diameter stormwater outfall in an unnamed tributary to Crooked Creek (CWF). Station 3 + 391.00 (Clymer, PA Quadrangle N: 15.2 inches; W: 14.0 inches).

Construct and maintain a 450 mm diameter stormwater outfall in an unnamed tributary to Crooked Creek (CWF). Station 3 + 312.76 (Clymer, PA Quadrangle N: 15.1 inches; W: 14.0 inches).

Construct and maintain a 675 mm diameter stormwater outfall in an unnamed tributary to Crooked Creek (CWF). Station 3 + 175.35 (Clymer, PA Quadrangle N: 14.7 inches; W: 14.0 inches).

Construct and maintain a 525 mm diameter stormwater outfall in an unnamed tributary to Crooked Creek (CWF). Station 2 + 997.61 (Clymer, PA Quadrangle N: 14.5 inches; W: 14.1 inches).

Construct and maintain a 750 mm diameter stormwater outfall in McKee Run (CWF). Station 1 + 486.66 (Clymer, PA Quadrangle N: 12.4 inches; W: 14.0 inches).

Construct and maintain a 600 mm diameter stormwater outfall in McKee Run (CWF). Station 1 + 184.48 (Clymer, PA Quadrangle N: 11.9 inches; W: 13.9 inches).

Place and maintain fill in a de minimis area of PEM wetland equal to 0.03 acre (Clymer, PA Quadrangle Begin: N: 13.7 inches; W: 13.8 inches; End N: 15.5 inches; W: 14.0 inches).

**E56-311. Gene E. and Linda M. Churchel**, 1186 Herne Avenue, Palm Bay, FL 32907. Northampton Township, **Somerset County**, ACOE Baltimore District.

To construct and maintain a 22-foot long dual arch pipe culvert having two spans of 6 feet in Brush Creek (HQ-CWF) on a proposed driveway off of SR 2017 (Brush Creek Road). Also to construct and maintain rock rip rap for a total length of 22 feet at the culvert approaches (Berlin, PA Quadrangle N: 0.23 inch; W: 2.19 inches).

## ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**D38-002EA. Game Commission**, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797. South Lebanon Township, **Lebanon County**, ACOE Baltimore District.

To breach and remove the Rexmont Dam No. 2 across Hammer Creek (HQ-CWF) for the purpose of restoring the stream to a free flowing condition. The dam is located approximately 4300 feet southwest of the intersection of Schaeffer Road (SR 419) and Rexmont Road (T349) (Richland, PA Quadrangle, N: 4.85 inches, W: 15.10 inches).

## STORAGE TANKS

### SITE-SPECIFIC INSTALLATION PERMITS

The following Storage Tank Site-Specific Installation Permit application has been received by the Department of Environmental Protection (Department) and is currently under review. Persons wishing to comment on the proposed permit are invited to submit a statement to the Bureau of Land Recycling and Waste Management, Division of Storage Tanks, P. O. Box 8763, Harrisburg, PA 17105-8763, within 30 days from the date of this publication. Comments received within this 30-day period will be considered in the formulation of the final determinations regarding this application. Responses should include the name, address and telephone number of the writer and a concise statement to inform the Department of the exact basis of the comment and the relevant facts upon which it based.

**The following application has been received for Storage Tank Site-Specific Installation Permits under the authority of the Storage Tank Spill Prevention Act (35 P.S. §§ 6021.304, 6021.504, 6021.1101 and 6021.1102) and under 25 Pa. Code Chapter 245, Subchapter C.**

<i>SSIP Application No.</i>	<i>Applicant Name &amp; Address</i>	<i>County</i>	<i>Municipality</i>	<i>Tank Type</i>	<i>Tank Capacity</i>
SSIP 02009	Robert L. Greene Industrial Power Generating Corp. 2250 Dabney Road Richmond VA, 23230	Franklin	Peters Township	8 ASTs storing distillate oil	237,000 gallons total
				1 AST storing lube oil	2,000 gallons

## ACTIONS

### FINAL ACTIONS TAKEN UNDER THE CLEAN STREAMS LAW AND THE FEDERAL CLEAN WATER ACT—NPDES AND WQM PART II PERMITS INDUSTRIAL WASTE AND SEWERAGE WASTEWATER

The Department of Environmental Protection has taken the following actions on previously received permit applications and requests for plan approval.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

#### I. Municipal and Industrial Permit Actions under The Clean Streams Law (35 P.S. §§ 691.1—691.1001).

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**NPDES Permit No. PA0062847**, Sewage, **Creditech, Inc.**, 1883 Jory Road, Pen Argyl, PA 18072. This proposed facility is located in Plainfield Township, **Northampton County** and discharge to Waltz Creek.

Description of Proposed Action/Activity: Renewal of NPDES Permit.

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110, (717) 705-4707.*

**NPDES Permit No. PA0085171 Amendment 02-1**, Sewage, **Lyons Borough Municipal Authority**, 316 South Kemp Street, P.O. Box 131, Lyon Station, PA 19536-0131. This proposed facility is located in Maxatawny Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to Sacony Creek in Watershed 3-B.

**NPDES Permit No. PA0246751**, Industrial Waste, **United Refining Company of PA, Kwik-Fill S-63**, P.O. Box 688, Warren, PA 16365. This proposed facility is located in Henderson Township, **Huntingdon County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to the Juniata River in Watershed 12-C.

**WQM Permit No. PA0086754 Amendment 02-1**, Industrial Waste, **East Penn Manufacturing Company, Inc.**, Deka Road, Lyon Station, PA 19536. This proposed facility is located in Richmond Township, **Berks County**.

Description of Proposed Action/Activity: Authorization to discharge to the receiving waters of Sacony Creek in Watershed 3-B.

**WQM Permit No. PA0246778**, Industrial Waste, **Miller's Greenhouse Incorporated, Miller's Greenhouses**, 485 Church Street, Landisville, PA 17538. This proposed facility is located in East Hempfield Township, **Lancaster County**.

Description of Proposed Action/Activity: Authorization to discharge to an unnamed tributary to Swarr Run in Watershed 7-J.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**NPDES Permit No. PA0228559**, Sewerage SIC 1611, **Glenn O. Hawbaker, Inc.**, 711 East College Avenue, Bellefonte, PA 16823. This proposed facility is located in Sandy Township, **Clearfield County**.

Description of Proposed Action/Activity: Issuance of a new NPDES Permit.

**NPDES Permit No. 0802402**, Sewerage SIC 4952, **Wysox Municipal Authority**, 724 Main Street, Towanda, PA 18848. This proposed facility is located in Wysox Township, **Bradford County**.

Description of Proposed Action/Activity: Sewer extension starting at the intersection of Routes 6 and 187 ending at Jackson Mobile Home Park.

**WQM Permit No. 4102404**, Sewerage, **Carl Nolan Real Estate**, 12 West Second Street, South Williamsport, PA, 17701. This proposed facility will be located in Eldred Township, **Lycoming County**.

Description of Proposed Action/Activity: Construction and operation of a small flow treatment facility to serve residence owned by the Carl Nolan Real Estate.

#### NPDES STORMWATER INDIVIDUAL PERMITS—(PAS)

The following NPDES Individual Permits for Discharges of Stormwater Associated with Construction Activities have been issued.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the

Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

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*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745, (412) 442-4000.*

<i>NPDES Permit</i>	<i>Applicant Name and Address</i>	<i>County and Municipality</i>	<i>Receiving Stream</i>
PAS101027	Pennsylvania Department of Transportation 1620 North Juniata Street Hollidaysburg, PA 16648	Cambria County Jackson Township	Laurel Run HW-CWF Findley Run HQ-CWF

*Northwest Region: Oil and Gas Management Program Manager, 230 Chestnut Street, Meadville, PA 16335-3481 (814) 332-6860.*

<i>NPDES Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>County and Municipality</i>	<i>Receiving Water/Use</i>
PAS104115	Seneca Resources Corporation Route 1, Box 27E Sigel, PA 15860	McKean County Hamilton Township	Whiting Run (HQ-CWF), Libby Run (HQ-CWF), Thundershower Run (HQ-CWF), Windfall Run (HQ-CWF), White Gravel Creek (HQ-CWF), Meade Run (HQ-CWF), unnamed tributaries to Chappel Fork (HQ-CWF), Chappel Fork (CWF) and Kinzua Creek (CWF)

#### **APPROVALS TO USE NPDES AND/OR OTHER GENERAL PERMITS**

The following parties have submitted: (1) Notices of Intent for Coverage under (1) General NPDES Permits to Discharge Wastewater into the Waters of the Commonwealth. The approval for coverage under these general NPDES permits is subject to applicable effluent limitations. Monitoring, reporting requirements and other conditions set forth in the general permit; (2) General Permits for Beneficial Use of Sewage Sludge or Residential Septage by Land Application in this Commonwealth; (3) General NPDES Permit Authorizing the Discharge of Stormwater Associated with Construction Activities to Waters of the Commonwealth; (4) Notification for First Use Application of Sewage Sludge.

The approval of coverage for land application of sewage sludge or residential septage under these general permits is subject to pollutant limitations, pathogen and vector attraction reduction requirements, operational standards, general requirements, management practices and other conditions set forth in the respective permit. The Department of Environmental Protection approves the following coverage under the specific General Permit.

The EPA Region III Administrator has waived the right to review or object to this permit action under the waiver provision 40 CFR 123.23(d).

The application and related documents, effluent limitations, permitting requirements and other information are on file and may be inspected and arrangements made for copying at the contact office noted.

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#### **List of NPDES and/or Other General Permit Types**

PAG-1	General Permit for Discharges From Stripper Oil Well Facilities
PAG-2	General Permit for Discharges of Stormwater Associated With Construction Activities (PAR)
PAG-3	General Permit for Discharges of Stormwater From Industrial Activities
PAG-4	General Permit for Discharges From Single Residence Sewage Treatment Plant
PAG-5	General Permit for Discharges From Gasoline Contaminated Ground Water Remediation Systems
PAG-6	General Permit for Wet Weather Overflow Discharges From Combined Sewer Systems (CSO)
PAG-7	General Permit for Beneficial Use of Exceptional Quality Sewage Sludge by Land Application
PAG-8	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, a Public Contact Site or a Land Reclamation Site
PAG-8 (SSN)	Site Suitability Notice for Land Application under Approved PAG-8 General Permit Coverage

PAG-9	General Permit for Beneficial Use of Nonexceptional Quality Sewage Sludge by Land Application to Agricultural Land, Forest, or a Land Reclamation Site
PAG-9 (SSN)	Site Suitability Notice for Land Application under Approved PAG-9 General Permit Coverage
PAG-10	General Permit for Discharge Resulting from Hydrostatic Testing of Tanks and Pipelines
PAG-11	(To Be Announced)
PAG-12	Concentrated Animal Feeding Operations (CAFOs)

*General Permit Type—PAG-2*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Lehigh County Upper Saucon Township	PAR10Q171	DeSales University Station Avenue Center Valley, PA 18034	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Lehigh County Upper Saucon Township	PAR10Q169	US Home Development 800 W. Main St. Freehold, NJ 07728	Saucon Creek CWF	Lehigh County Conservation District (610) 391-9583
Susquehanna County Great Bend Township	PAR106406-2R	Pennsylvania Department of Transportation Engineering District 4-0 P. O. Box 111 Scranton, PA 18501	Trowbridge Creek CWF	Susquehanna County Conservation District (570) 278-4600
Logan Town Centre Logan Township Blair County	PAR100730	17th Street Logan Township LP P. O. Box 1252 Altoona, PA 16603	Brush Run WWF	Blair County Conser- vation District 1407 Blair Street Hollidaysburg, PA 16648 (814) 696-0877 Ext. 5
Southampton Township	PAR10M270	Mickey Nye 730 East King Street Shippensburg, PA 17257	Rowe Run CWF	Franklin County Conservation District Admin Annex 218 N. 2nd Street Chambersburg, PA 17201 (717) 264-8074
Centre County College Township	PAR10F165	Dale Summit Substation 800 Cabin Hill Dr. Greensburg, PA 15601	UNT Spring Creek CWF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817
Centre County Huston Township	PAR10F166	The Bald Eagle Site 1 Market St. Bldg. P. O. Box 1202 Harrisburg, PA 17101	Bald Eagle Creek and Watershed TSF	Centre County Conservation District 414 Holmes Ave. Suite 4 Bellefonte, PA 16823 (814) 355-6817

*General Permit Type—PAG-3*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Somerset Township Somerset County	PAR326111	New Enterprise Stone & Lime Co. P. O. Box 77 New Enterprise, PA 16664	Kimberly Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
North Apollo Borough Armstrong County	PAR606140	North Apollo Auto Wrecking P. O. Box 466 River Street North Apollo, PA 15673	Kiskiminetas River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Rayburn Township Armstrong County	PAR606178	Jim's Auto Wrecking R. D. 6 Box 450 Kittanning, PA 16201	Cowanshannock Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Dunbar Township Fayette County	PAR606180	Butchko Brothers Inc. P. O. Box 675 Connellsville, PA 15425	Feeder to Dunbar Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Menallen Township Fayette County	PAR606182	Route 51 Auto Wrecking R. D. 1 Smock, PA 15480	Feeder to Redstone Creek	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Monaca Borough Beaver County	PAR706124	Allegheny Asphalt Manufacturing 2 River Road Monaca, PA 15061	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Moon Township Allegheny County	PAR806114	Tioga Pipeline Co. P. O. Box 313 Ella Street McKees Rocks, PA 15136	Narrows Run to the Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
City of Pittsburgh Allegheny County	PAR806145	Consolidated Freightways Inc. 16400 SE CF Way Vancouver, WA 98603	Allegheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000
Neville Township Allegheny County	PAR806181	Con-Way Transportation Services c/o CNF Inc. 3240 Hillview Avenue Palo Alto, CA 94304	Ohio River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
North Fayette Township Allegheny County	PAR806217	Airborne Express Inc. P. O. Box 662 Seattle, WA 98111	Montour Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-4*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Berks County Hereford Township	PAG043547 (Transfer)	Paul R. and Donna J. Dean 94 Hunter Forge Road Barto, PA 19504-0527	UNT to West Branch of Perkiomen Creek CWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Cumberland County Hopewell Township	PAG043693	Emanuel B. King Clover Hill Road Newburg, PA 17240	Laughlin Run WWF	DEP—SCRO 909 Elmerton Ave. Harrisburg, PA 17110 (717) 705-4707
Bradford Township Clearfield County	PAG044976	Marjorie Jo Teats R. R. 1 Box 82-5 Woodland, PA 16881	Forcey Run CWF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666
Eldred Township Lycoming County	PAG045142	Carl Nolan Real Estate 12 West Second Street South Williamsport, PA 17701	UNT to Loyalsock Creek TSF	Northcentral Regional Office Water Management Program 208 West Third Street, Suite 101 Williamsport, PA 17701 (570) 327-3666

*General Permit Type—PAG-5*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Upper Darby Township Delaware County	PAG050036	Sunoco, Inc. Automotive Lab P. O. Box 1135 Marcus Hook, PA 19061	Unnamed tributary to Cobbs Creek	Southeast Region Water Management (610) 832-6130
Scott Township Columbia County	PAG054822	Henry Bellum Donald E. Reichart Lumber & Supply, Inc. Lee Street and Sawmill Road Lightstreet, PA 17839	Tributary 27754 to Fishing Creek	Northcentral Regional Office Environmental Cleanup Program 208 West Third Street Suite 101 Williamsport, PA 17701-6448 (570) 321-6525
West Newton Borough Westmoreland County	PAG056112	Tom's Service Center 111 North Water Street West Newton, PA 15089	Youghiogheny River	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Wharton Township Fayette County	PAG056169	Rishels Service 3738 National Pike Farmington, PA 15437	UNT to Deadman Run	Southwest Regional Office Water Management Program Manager 400 Waterfront Drive Pittsburgh, PA 15222-4745 (412) 442-4000

*General Permit Type—PAG-10*

<i>Facility Location &amp; Municipality</i>	<i>Permit No.</i>	<i>Applicant Name &amp; Address</i>	<i>Receiving Water/Use</i>	<i>Contact Office &amp; Telephone No.</i>
Lehigh County Lower Macungie Township	PAG102205	Sunoco Pipeline, L. P. Ten Penn Ctr., 26th Fl. 1801 Market St. Philadelphia, PA 19103	Little Lehigh Creek HQ-CWF	DEP—NERO Water Management 2 Public Square Wilkes-Barre, PA 18711 (570) 826-2511

## PUBLIC WATER SUPPLY PERMITS

The Department of Environmental Protection has taken the following actions on applications received under the Safe Drinking Water Act for the construction, substantial modification or operation of a public water system.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P. S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

### SAFE DRINKING WATER

#### Actions taken under the Pennsylvania Safe Drinking Water Act (35 P. S. §§ 721.1—721.17).

*Southeast Region: Water Supply Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Operations Permit** issued to **Philadelphia Suburban Water Company**, 762 Lancaster Avenue, Bryn Mawr, PA 19010, PWS ID 253723, Bristol Township,

**Bucks County** on July 26, 2002, for the operation of facilities approved under Construction Permit #0901515.

**Operations Permit** issued to **Northampton, Bucks County Municipal Authority**, 111 Township Road, Richboro, PA 18954-1550, PWS ID 1090089, Northampton Township, **Bucks County** on July 26, 2002, for the operation of facilities approved under Construction Permit #0999510.

**Operations Permit** issued to **Modern Mushroom Farms**, 1330 Newark Rd., Toughkenamor, PA 19874, PWS ID 1150211, New Garden Township, **Chester County** on July 26, 2002, for the operation of facilities approved under Construction Permit # 1501501.

**Permit No. 2302501, Minor Amendment.** Public Water Supply.

Applicant	<b>Chester Water Authority</b> 415 Welsh Street Chester, PA 19106-0467
Township	Lower Oxford
County	<b>Chester</b>
Type of Facility	PWS
Consulting Engineer	Gannett Fleming, Inc. P. O. Box 67100 Harrisburg, PA 17106
Permit to Construct Issued	July 26, 2002

## HAZARDOUS SITES CLEAN-UP UNDER THE ACT OF OCTOBER 18, 1988

### Notice of Proposed Interim Response

#### East Tenth Street Site, Marcus Hook Borough, Delaware County

The Department of Environmental Protection (Department), under the authority of the Hazardous Sites Cleanup Act (HSCA) (35 P. S. §§ 6020.102—6020.1303), is proposing an interim response at the East Tenth Street Site (Site), Marcus Hook Borough, Delaware County, PA.

The Site is located on the Marcus Hook 7.5 Minute Series Quadrangle (Latitude 39 49' 10"; Longitude 75 24' 44" W). The Site is approximately 36 acres in size and lies

about 600 yards northwest of the Delaware River. The Site is bordered on the northeast, east and southeast by oil refineries operated by Tosco (formerly the B. P. Refinery) and Sun Oil Co. Mixed commercial/residential properties are located across East 10th Street northwest of the Site. Additional residential areas including the Marcus Hook Elementary School are west and southwest of the Site.

The Department initiated a HSCA response at the Site under a Response Justification Document dated March 24, 1998. The Department conducted a prompt interim response to remove hazardous wastes and materials from a garage building on the Site during the summer of 2000. The Department is involved in an ongoing investigation of Site conditions. This investigation has produced evidence of particular areas where there are hazards to public health and the environment that should be addressed before the completion of Site activities.

The Department considered taking no action and the use of institutional or engineering controls as alternative means of addressing these hazards to the public health and the environment before selecting the proposed interim response. The proposed interim response will address removal of contaminated soils and materials from several lots on the Site where investigation has found exceedances of the Statewide Health Standard promulgated under the Land Recycling and Environmental Remediation Standards Act.

An Administrative Record, which contains more detailed information concerning the interim response action, is available for public inspection. The Administrative Record may be examined from 8 a.m. to 4 p.m. at the Department's Southeast Regional Office, Suite 6010, Lee Park, 555 North Lane, Conshohocken, PA 19428, (610) 832-6000. Individuals interested in examining the Administrative Record should contact April Flipse at (610) 832-5937 to arrange for an appointment.

An additional copy of the Administrative Record is available for review at the Marcus Hook Library, Tenth and Green Streets, Marcus Hook, PA.

A public hearing is scheduled under section 506(d) of the HSCA for September 26, 2002, at 7 pm in the Council Room, Marcus Hook Borough Hall, Tenth and Green Streets, Marcus Hook, PA. Persons wishing to present formal oral comments regarding this prompt interim response may do so by registering with the Department before the meeting. Individuals may register by calling Lynda Rebarchak, Community Relations Coordinator, at (610) 832-6219. Persons with a disability who wish to attend the September 26, 2002, meeting and require auxiliary aid, service or other accommodation to participate in the proceedings should contact Lynda Rebarchak to advise how the Department may accommodate their needs.

The public may also submit written comments regarding the Department's interim response action during the period of public comment. Under section 506(c) of the HSCA, the Department has established a period for public comment, which shall run from the date of this notice through November 17, 2002. Written comments should be addressed to April Flipse at the previous address.

#### **Notice of Prompt Interim Response**

##### **Marino Brothers Scrap Yard, Rochester Borough, Beaver County**

The Department, under the authority of the HSCA, has initiated a prompt interim response at Marino Brothers

Scrap Yard (scrap yard), Railroad Street, Rochester Borough, Beaver County. This response has been initiated under sections 501(a) and 505(b) of the HSCA.

The scrap yard is located between Railroad Street and the Ohio River in the Borough of Rochester, Beaver County, encompasses approximately 3 acres and is occupied by several buildings that date back to the early 1900s. Beginning in the late 1800s, the property has been used for various industrial purposes. Since the 1960s, the Marino family used the property as a scrap yard. The current owner of the property is the Borough of Rochester.

The Department conducted a site characterization of the scrap yard. The results of this characterization revealed elevated levels of PCBs, antimony, arsenic, cadmium, chromium, lead, mercury, thallium and zinc in the surface soils. The levels of the contaminants exceed the Statewide Health Standards under the Land Recycling and Environmental Remediation Standards Act. In addition, light nonaqueous phase liquids were found in the shallow groundwater.

The contamination described extends down through the soils to depths below the elevation of the existing storm outflow. This old outflow is partially blocked due to a collapse in several sections of the line. In its present condition, the line has the potential to be a conduit to the Ohio River for contamination from the surrounding soils resulting in a release or a threat of release of hazardous substances from the site. The Borough of Rochester and the Pennsylvania Department of Transportation (PennDOT) are replacing this stormwater line with a new line in a different location. This will require excavation and removal of contaminated material so that a new stormwater pipe can be installed.

This response specifically addressed the threats to human health and the environment as they relate to the old stormwater outflow and the installation of a new outflow.

The following alternatives were analyzed:

*Alternative 1. No action*—This alternative involves no response by the Department to address the threats associated with the old stormwater outflow at the site. Stormwater would continue to be directed to the old outflow, causing backup of the water into the Sewer Authority line. Stormwater that did make its way into the old line would potentially be contaminated with sewage and site related contaminants. This water would continue to be discharged to the Ohio River.

*Alternative 2. Excavation and proper handling of contaminated soils associated with the construction of a new stormwater outflow*—This alternative involves the excavation of the trench for the installation of the new stormwater outflow through the site. The Department's contractor would work in conjunction with the PennDOT contractor and the Borough of Rochester's contractor to complete the installation of a new line and permanently seal the old outflow line. Specifically, the Department's contractor will be responsible for excavating the contaminated soils required to install the new line at the elevations spelled out in Rochester Borough's design specifications. Contaminated soils will be properly staged onsite and handled in accordance with waste management regulations.

The Department has determined that Alternative #2 is the most appropriate response to address the threats associated with the existing stormwater outflow pipe at the Marino site. This alternative is more protective of



human health and the environment than Alternative #1 and is cost effective. The Department mobilized its contractor on June 7, 2002, and, working with the Borough of Rochester's contractor, has completed excavation work and placement of the new stormwater pipe. Contaminated material from the excavation has been staged onsite and will be properly disposed of off-site when arrangements are made with a disposal facility.

This notice is being provided under sections 505(b) and 506(b) of the HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA and is available for review Monday through Friday from 9 a.m. to 4 p.m.

The administrative record will be open for comments from August 17, 2002, until November 17, 2002. Persons may submit written comments into the record during this time only by delivering or sending them to Terry Goodwald, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222.

In addition, persons may present oral comments for inclusion in the administrative record at a public hearing. The Department has scheduled the hearing for September 19, 2002, at 7 p.m. in the Rochester Borough Building, 300 West Park Street, Rochester, PA, Beaver County. Persons wishing to present comments must register by September 16, 2002, with Betsy Mallison, Department of Environmental Protection, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4182.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Betsy Mallison at (412) 442-4182 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

#### **Notice of Prompt Interim Response**

##### **Banning Mine #4 Site, Rostraver Township, Westmoreland County**

The Department, under the authority of the HSCA, has initiated a prompt interim response at Banning Mine #4 (Site), Budds Ferry Road, Rostraver Township, Westmoreland County. This response has been initiated under sections 501(a) and 505(b) of the HSCA.

The Site is located at the end of Budds Ferry Road in Rostraver Township, Westmoreland County, PA. The Site consists of a former coal washing plant and refuse disposal pile. At least six underground storage tanks are located at the Site. An unknown quantity of fuel oil has been released to the environment from one of the tanks. The released product has traveled from the Site into a drainage channel along a former old railroad bed that now serves as a public hiking/biking trail. The drainage ditch discharges into a mine drainage treatment plant or directly to the Youghiogheny River.

The Department began an emergency response at the Site on May 26, 2002, to address the imminent threat to the public health and the environment. The Department constructed a siphon dam along the drainage ditch to prevent the oil from reaching the treatment plant or the Youghiogheny River. Absorbent booms and pads were placed along the drainage ditch to remove the accumulated oily substance. Two underground storage tanks were located near the oil observed on the surface of the Site.

One tank was determined to contain approximately 20,000 gallons of what appeared to be #6 fuel oil and water and the second tank contained approximately 2,000 gallons of what appeared to be kerosene and water. Approximately 18,000 gallons of material was removed from the #6 fuel oil tank. Visible contaminated soil at the Site was excavated and placed into roll-off boxes. The removed liquid and excavated soil will be disposed at an appropriate facility.

The current site conditions continue to present a substantial danger to the public health and the environment. Released hazardous substances remain in the drainage ditch along the public hiking/biking trail. There is a direct contact threat with the hazardous substances present in the drainage ditch due to the proximity to the trail. There remains a threat to surface waters from the released material. There remains a risk of contaminating Site groundwater from the released material at the Site and the material accumulated in the drainage ditch. There remains a direct contact threat to the hazardous substances contained in the tanks at the Site, as the Site is unsecured. A further release of hazardous materials is possible from the two underground storage tanks that have not been completely emptied and properly closed. There remains a fire threat due to the ignitable chemicals remaining onsite.

The Department considered several alternatives at the Site, including: no action, securing of the site and removal and disposal of the released hazardous substances at the Site. The Department determined that removal and disposal of the hazardous substances was the appropriate course of action. This alternative was selected because it complied with all applicable laws and regulations and was determined to be the most environmentally sound procedure for this site.

The Department began a prompt interim response to remove and dispose of the waste at the Site on June 11, 2002. All hazardous materials at the Site will be removed and properly disposed. The Department, following the public hearing and comment period, will complete a Statement of Decision and Response to comments.

This notice is being provided under sections 505(b) and 506(b) of the HSCA. The administrative record which contains the information that forms the basis and documents the selection of this response action is available for public review and comment. The administrative record is located at the Department's Southwest Regional Office, 400 Waterfront Drive, Pittsburgh, PA and is available for review Monday through Friday from 8 a.m. to 4 p.m.

The administrative record will be open for comment from August 17, 2002, until November 17, 2002. Persons may submit written comments into the record during this time only, by sending them to Kevin Halloran, Environmental Cleanup Program, 400 Waterfront Drive, Pittsburgh, PA 15222.

In addition, persons may present oral comments, for inclusion in the administrative record, at a public hearing. The Department has scheduled the hearing on September 18, 2002, at 7 p.m. at the Belle Vernon Area High School, 250 Crest Avenue, Belle Vernon, PA. Persons wishing to present comments must register before September 18, 2002, with Betsy Mallison, 400 Waterfront Drive, Pittsburgh, PA 15222, (412) 442-4182. If no person registers to present oral comments, the hearing will not be held. Persons interested in finding out if anyone has registered and if the hearing will be held should contact Betsy Mallison at (412) 442-4182.

Persons with a disability who wish to attend the hearing and require auxiliary aid, service or other accommodations to participate in the proceedings, should call Betsy Mallison at (412) 442-4000 or through the Pennsylvania AT&T Relay Service at (800) 654-5984 (TDD) to discuss how the Department may accommodate their needs.

**Settlement Agreement under the Hazardous Sites Cleanup Act**

**Furlong Manufacturing Company, Furlong, Bucks County**

The Department, under the authority of the HSCA, among other statutes, has entered into a Consent Order and Agreement with Calvin and Ida Beierlein related to the Furlong Manufacturing Company HSCA Site (Site) in Furlong, Bucks County, PA.

Under the terms of the Consent Order and Agreement, the Beierleins will make a payment towards the Department's response costs at the Site in exchange for a covenant not to sue and contribution protection from the Department.

Copies of the full Consent Order and Agreement are maintained in the Department's Southeast Regional Office, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428 and may be viewed or obtained by contacting George Danyliw at (610) 832-5965 or Anderson Lee Hartzell at (610) 832-6300. A 60 day period of public comment will follow the date of publication of this notice and the Department has reserved the right to withdraw from the agreement in the event that comments submitted during the comment period disclose facts or considerations which indicate, in the Department's discretion, that the agreement is inappropriate, improper or not in the public interest. Interested parties may submit comments in writing to George Danyliw at the Department's Southeast Regional Office.

**LAND RECYCLING AND ENVIRONMENTAL REMEDIATION**

**UNDER ACT 2, 1995**

**PREAMBLE 2**

**The following final reports were submitted under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of Chapter 3 of the Land Recycling and Environmental Remediation Standards Act (Act) require the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of submission of final reports. A final report is submitted to document cleanup of a release of a regulated substance at a site where one of the Act's remediation standards. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis for selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling analytical results which demonstrate that remediation has attained the cleanup standard selected.

For further information concerning the final report, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of receipt of a final report appears. If information concerning a final report is required in an alternative form,

contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**International Plaza III**, Tinicum Township, **Delaware County**. Randolph L. Kazazian, III, Koll Bren Schreiber Realty Advisors, Inc., 125 Summer St., Suite 1640, Boston, MA 02110 and Thomas V. Fusillo, Environ Corp., 214 Carnegie Center, Princeton, NJ 08540, have submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and solvents. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**J & T Building Co., Inc.**, Media Borough, **Delaware County**. Samuel J. Kucia, Environmental Consulting, Inc., 500 E. Washington St., Norristown, PA 19401, on behalf of J & T Building Co., Inc., c/o Thomas A. Goldsmith, Jr., 200 E. State St., Media, PA 19063, has submitted a Final Report concerning remediation of site soil contaminated with lead, heavy metals, solvents and BTEX. The report is intended to document remediation of the site to meet Statewide Health and Site-Specific Standards.

**Pennel Building—Dutton's Mill Business Park**, Aston Township, **Delaware County**. Jeffrey E. Goudswaard, Penn E & R, Inc., 2755 Bergey Rd., Hatfield, PA 19440, on behalf of Aston Investment Assoc./PAREC, 731 Skippack Pk., P.O. Box 1205, Blue Bell, PA, has submitted a Final Report concerning remediation of site soil and groundwater contaminated with BTEX and PAHs. The report is intended to document remediation of the site to meet the Statewide Health Standard.

**Sparango Construction Co., Inc.**, Tredyffrin Township, **Chester County**. Erik W. Stephens, Manko, Gold, Katcher & Fox, LLP, 401 City Ave., Bala Cynwyd, PA 19004, on behalf of Sparango Construction Co., Inc., 506 Bethlehem Pk., Ft. Washington, PA 19034, has submitted a Final Report concerning remediation of site soil contaminated with PCBs, lead, heavy metals, PAHs, solvents and pesticides. The report is intended to document remediation of the site to meet the Statewide Health Standard.

*Northeast Regional Field Office, Joseph A. Brogna, Environmental Cleanup Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Former Penn Fuel Gas Manufactured Gas Plant—Slatington Site**, Borough of Slatington, **Lehigh County**. RETEC Group, Inc., 3040 William Pitt Way, Pittsburgh, PA 15238 has submitted a Remedial Investigation Report (on behalf of PPL Services Corp., Two North Ninth Street, Allentown, PA 18101) concerning the characterization of soils, groundwater and adjacent surface water found or suspected to have been contaminated with metals, polycyclic aromatic hydrocarbons, phenolics, cyanides and BTEX compounds related to historic manufactured gas plant operations. The report was submitted in partial fulfillment of a combination of both the Statewide Health and the Site-Specific standards.

**Trehab Center (Pennstar Bank)**, Borough of Montrose, **Susquehanna County**. Hydrocon Services, Inc., 16 E. Minor Street, Emmaus, PA 18049 submitted a

Final Report (on behalf of Trehab Center, 10 Public Avenue, Montrose, PA 18801) concerning the remediation of soil contaminated with no. 2 fuel oil. The report was submitted to demonstrate attainment of the Statewide Health standard. A Notice of Intent to Remediate was simultaneously submitted.

**Former Alcock Residence**, Westfall Township, **Pike County**. Salvatore Sciascia, President, S&M Management, Inc., P. O. Box 1429, 522 Routes 6 and 209, Milford, PA submitted a Final Report (on behalf of Thomas and Laureen Alcock, Cramer Drive, Chester, NJ 07930) concerning the remediation of site soils found or suspected to be contaminated with no. 2 fuel oil. The report was submitted to demonstrate attainment of the Statewide Health standard. A Notice of Intent to Remediate was simultaneously submitted.

*Southcentral Region: Environmental Cleanup Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Former AMP Service Station**, Swatara Township, **Dauphin County**. SAIC, 6310 Allentown Boulevard, Harrisburg, PA 17112, on behalf of Tyco Electronics Corporation, P. O. Box 3608, Harrisburg, PA 17105-3608, submitted a remedial investigation report concerning remediation of site soils and groundwater contaminated with BTEX and PAHs. The site is being remediated to a combination of the Site-Specific and Statewide Health standards.

*Northcentral Region: Environmental Cleanup Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**Wise Foods, Inc.—Distribution/Potato Storage Property**, Berwick Borough, **Columbia County**. Gannett Fleming, on behalf of Wise Foods, Inc., 245 Townpark Drive, Suite 450, Kennesaw, GA 30144, has submitted a Final Report concerning the remediation of site groundwater contaminated with Trichloroethylene and Cis, 1,2. The Final Report has been submitted to demonstrate attainment of the Statewide Health and/or Background Standard. See additional notice in the Applications section of this *Pennsylvania Bulletin*.

**Costy's Used Truck & Auto Parts, Inc.**, Richmond Township, **Tioga County**. Mountain Research, Inc., on behalf of David and Daniel Kurzejewski, R. R. 3, Box 87, Mansfield, PA 16933, has submitted a Remedial Investigation Report concerning groundwater contaminated with BTEX, Naphthalene and MTBE. The applicant is proposing to remediate the site to meet a combination of the Statewide Health and/or Site-Specific Standard.

## LAND RECYCLING AND ENVIRONMENTAL REMEDIATION

### UNDER ACT 2, 1995

#### PREAMBLE 3

**The Department has taken action on the following plans and reports under the Land Recycling and Environmental Remediation Standards Act (35 P. S. §§ 6026.101—6026.908).**

Provisions of 25 Pa. Code § 250.8, Administration of the Land Recycling and Environmental Remediation Standards Act (Act) requires the Department of Environmental Protection (Department) to publish in the *Pennsylvania Bulletin* a notice of its final actions on plans and reports. A final report is submitted to document cleanup of a release of a regulated substance at a site to one of the remediation standards of the Act. Plans and reports required by provisions of the Act for compliance with

selection of remediation to a site-specific standard, in addition to a final report, include a remedial investigation report, risk assessment report and cleanup plan. A remedial investigation report includes conclusions from the site investigation, concentration of regulated substances in environmental media; benefits of reuse of the property and, in some circumstances, a fate and transport analysis. If required, a risk assessment report describes potential adverse effects caused by the presence of regulated substances. A cleanup plan evaluates the abilities of potential remedies to achieve remedy requirements. A final report provides a description of the site investigation to characterize the nature and extent of contaminants in environmental media, the basis of selecting the environmental media of concern, documentation supporting the selection of residential or nonresidential exposure factors, a description of the remediation performed and summaries of sampling methodology and analytical results which demonstrate that the remediation has attained the cleanup standard selected. The Department may approve or disapprove plans and reports submitted. This notice provides the Department's decision and, if relevant, the basis for disapproval.

For further information concerning the plans and reports, contact the Environmental Cleanup Program Manager in the Department Regional Office under which the notice of the plan or report appears. If information concerning a final report is required in an alternative form, contact the Community Relations Coordinator at the appropriate Regional Office listed. TDD users may telephone the Department through the AT&T Relay Service at (800) 654-5984.

The Department has received the following final reports:

*Southeast Region: Environmental Cleanup Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**Ashland Chemical (Formerly American National Can)**, Falls Township, **Bucks County**. Brian I. FitzPatrick, P.G., Harding ESE, Inc., 5205 Militia Hill Rd., Plymouth Meeting, PA 19462, has submitted a revised combined Remedial Investigation/Final Report concerning the remediation of site groundwater contaminated with solvents. The revised, combined report demonstrated attainment of Site-Specific Standards and was approved by the Department on July 25, 2002.

**U. S. Steel Fairless Works, Fairless Works Energy Center**, Falls Township, **Bucks County**. Kathleen M. Mayher, Corrective Action Manager, United States Steel, 600 Grant St., Pittsburgh, PA 15219-2749, on behalf of United States Steel Corp., 600 Grant St., Pittsburgh, PA 15219, has submitted a Final Report concerning the remediation of site soil contaminated with PCBs, metals, BTEX, PAHs and solvents. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 26, 2002.

**Former Cedar Hollow Quarry, Historic Landfill (Soils)**, East Whiteland and Tredyffrin Townships, **Chester County**. Gregory Martin, P. G., Roux Associates, Inc., 1222 Forest Parkway, Suite 190, West Deptford, NJ 08066, has submitted a Final Report concerning the remediation of site soil contaminated with PCBs, lead, heavy metals, solvents, BTEX, PHCs and PAHs. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 26, 2002.

**Independent Holdings, LLC**, City of Philadelphia, **Philadelphia County**. Charlie McGuth, Environmental

Maintenance Co., Inc., 1420 E. Mermaid La., Glenside, PA 19038, on behalf of Independent Holdings, LLC, 922 Montgomery Ave., #A1, Bryn Mawr, PA 19010, has submitted a Final Report concerning the remediation of site soil contaminated with leaded gasoline, UST parameters. The report demonstrated attainment of the Statewide Health Standard and was approved by the Department on July 26, 2002.

*Northeast Region: Joseph A. Brogna, Environmental Cleanup Program Manager; 2 Public Square, Wilkes-Barre, PA 18711-0790, (570) 826-2511.*

**Bethlehem Contracting Company**, East Allen Township, **Northampton County**. Douglas H. Sammak, P. G., American Analytical & Environmental, Inc., 738 Front Street, Catasauqua, PA 18032 submitted a Remedial Investigation Report and a Cleanup Plan (on behalf of John Cancelliere, President, Bethlehem Contracting Company, P. O. Box 40, Bath, PA 18014) concerning the remediation of site soils and groundwater found or suspected to have been contaminated with polycyclic aromatic hydrocarbons, BTEX compounds, solvents, lead and other metals. The reports were submitted in partial fulfillment of a combination of the Statewide Health and Site-Specific standards and were disapproved on July 15, 2002.

**Former Penn Fuel Gas Manufactured Gas Plant (Jim Thorpe site)**, Mahoning Township, **Carbon County**. RETEC, 3040 William Pitt Way, Pittsburgh, PA 15238 submitted a Final Report (on behalf of PPL Services Corporation, Two North Ninth Street, Allentown, PA 18101-1179) concerning the characterization and remediation of site soils, groundwater and adjacent surface water and sediments found or suspected to have been contaminated with metals, phenolic compounds, cyanide, polycyclic aromatic hydrocarbons and BTEX compounds. The report was submitted in fulfillment of a combination of both the Statewide Health and Site-Specific standards and was approved on July 29, 2002.

**Former Alliance America Facility**, Borough of Port Carbon, **Schuylkill County**. Christopher Orzechowski, P. G., RT Environmental Services, Inc., 215 W. Church Road, King of Prussia, PA 19406 submitted a combined Remedial Investigation Report, Risk Assessment Report and Cleanup Plan (on behalf of JDSW Real Estate Limited Partnership, 5th and Mahantango Streets, Pottsville, PA) concerning the remediation of groundwater found or suspected to have been contaminated with solvents. The reports were submitted in partial fulfillment of a combination of both the Statewide Health and Site-Specific standards and were withdrawn on July 19, 2002.

*Southcentral Region: Environmental Cleanup Program Manager; 909 Elmerton Avenue, Harrisburg, PA 17110.*

**Koch Hydrocarbon, Inc., Schaefferstown Facility**, Heidelberg Township, **Lebanon County**. ARCADIS, 26451 Curtiss Wright Parkway, Suite 100, Cleveland, OH 44143, on behalf of Reiss Remediation, 4111 East 37th Street North, Wichita, KS 67220, submitted a combined remedial investigation and final report concerning the remediation of site soils and groundwater contaminated with lead, BTEX, PHCs and PAHs. The report was disapproved by the Department on July 29, 2002.

**Former Penn Fuel Gas**, Borough of Shippensburg, **Cumberland County**. Corporate Environmental Solutions, LLC, 260 Millers Run Road, Bridgeville, PA 15017, on behalf of PFG Gas Inc., Two North Ninth Street, Allentown, PA 18101-1179, submitted a cleanup plan

concerning the remediation of site soils and groundwater contaminated with lead, BTEX and PAHs. The plan was approved by the Department on August 5, 2002. The site is being remediated to meet the requirements of a Site-Specific standard.

## HAZARDOUS WASTE TRANSPORTER LICENSE

**Actions on applications for Hazardous Waste Transporter License received under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003) and regulations to transport hazardous waste.**

*Central Office: Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, P. O. Box 8471, Harrisburg, PA 17105-8471.*

*Hazardous Waste Transporter License Renewed*

**AES Transportation, Inc.**, 4990 Grand Avenue, Pittsburgh, PA 15225. License No. **PA-AH 0671**. Effective July 31, 2002.

**Perma-Fix of Dayton, Inc.**, 300 SW End Avenue, Dayton, OH 45427. License No. **PA-AH 0692**. Effective July 31, 2002.

**West Central Environmental Corp.**, P. O. Box 83, Rensselaer, NY 12144-0083. License No. **PA-AH 0422**. Effective July 31, 2002.

*Hazardous Waste Transporter License Expired*

**American Waste Oil Corporation**, 44141 Yost Road, Belleville, MI 48111. License No. **PA-AH 0534**. Effective July 31, 2002.

**STAT, Inc.**, P. O. Box 1443, Lenoir, NC 28645. License No. **PA-AH 0532**. Effective July 31, 2002.

**Baggett Transportation Company**, 2 South 32nd Street, Birmingham, AL 35233-3098. License No. **PA-AH 0668**. Effective July 31, 2002.

## DETERMINATION OF APPLICABILITY FOR RESIDUAL WASTE GENERAL PERMITS

**Determination of Applicability for General Permit Approved under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003); the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904); and Residual Waste Regulations for a General Permit to Operate Residual Waste Processing Facilities and/or the Beneficial Use of Residual Waste Other Than Coal Ash.**

*Central Office: Division of Municipal and Residual Waste, Rachel Carson State Office Building, 14th Floor, 400 Market Street, Harrisburg, PA 17105-8472.*

**General Permit No. WMGR027D001B. Better Materials Corporation**, P. O. Box 187, Route 522 North, Berkeley Springs, WV 25411-0187. General Permit Number WMGR027D001B is for the beneficial use of baghouse fines and scrubber pond precipitates, generated at Ottsville Asphalt plant, located in Nockamixon Township, **Bucks County**, as an aggregate in roadway construction or as an ingredient or component in cement or asphalt products. Central Office approved the determination of applicability on August 6, 2002.

### OPERATE WASTE PROCESSING OR DISPOSAL AREA OR SITE

**Permit terminated under the Solid Waste Management Act (35 P. S. §§ 6018.101—6018.1003), the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. §§ 4000.101—4000.1904) and Regulations to Operate Solid Waste Processing or Disposal Area or Site.**

*Southwest Region: Regional Solid Waste Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**Permit No. 301281. Rubber Recovery Division, Rochez Brothers, Inc.,** 800 Washington Avenue, Braddock, PA 15104. Operation of a Waste Tire Processing Facility in the Borough of Braddock, **Allegheny County**. Permit terminated in the Regional Office on July 29, 2002.

### AIR QUALITY

**General Plan Approval and Operating Permit Usage Authorized under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127 to construct, modify, reactivate or operate air contamination sources and associated air cleaning devices.**

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**GP-26-00288A: Better Materials Corp.** (P. O. Box 187, Berkeley Springs, WV 25411) on August 2, 2002, for operation of a Portable ASSP Caterpillar Model 3508 at the Springfield Pike Quarry in Connellsville Township, **Fayette County**.

**Plan Approval Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and regulations in 25 Pa. Code Chapter 127, Subchapter B relating to construction, modification and reactivation of air contamination sources and associated air cleaning devices.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**09-0152: Gelest, Inc.** (Steel Road East, Morrisville, PA 19067) on August 1, 2002, for operation of equipment for specialty chemicals in Falls Township, **Bucks County**.

**Plan Approval Revisions Issued including Extensions, Minor Modifications and Transfers of Ownership under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code §§ 127.13, 127.13a and 127.32.**

*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Thomas McGinley, New Source Review Chief, (610) 832-6242.*

**23-0001N: Sunoco, Inc. (R and M)** (Delaware Avenue and Green Street, Marcus Hook, PA 19061) on July 30, 2002, for operation of Boiler No. 9 in Marcus Hook Borough, **Delaware County**.

**46-0025F: Lonza, Inc.** (900 River Road, Conshohocken, PA 19428) on July 30, 2002, for operation of a prescrubber in Upper Merion Township, **Montgomery County**.

**46-0186: Tri-Valley Crematory** (665-667 Harleysville Pike, Franconia, PA 18924) on August 1, 2002, for operation of a crematory incinerator in Franconia Township, **Montgomery County**.

**15-0067B: Herr Foods, Inc.** (273 Old Baltimore Pike, Nottingham, PA 19362) on August 5, 2002, for operation of potato chip line no. 3 in West Nottingham Township, **Chester County**.

**46-0199: Alcom Printing Group, Inc.** (140 Christopher Lane, Harleysville, PA 19438) on August 5, 2002, for operation of lithographic printing presses in Lower Salford Township, **Montgomery County**.

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: David Aldenderfer, Program Manager, (570) 327-3637.*

**49-313-032H: Merck and Co., Inc.** (P. O. Box 600, Danville, PA 17821) on July 19, 2002, for operation of various pieces of pharmaceutical processing equipment (reaction vessels, and the like) and associated air cleaning devices (a thermal oxidizer and a packed bed scrubber system) on a temporary basis until November 16, 2002, in Riverside Borough, **Northumberland County**. This plan approval was extended.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: William Charlton, New Source Review Chief, (412) 442-4174.*

**04-00013A: J and L Specialty Steel** (1200 Midland Avenue, Midland, PA 15059) on July 30, 2002, for the Steckel Mill and Melt Shop modifications in Midland, **Beaver County**. The facility has requested that the plan approval be modified to correct typographical errors and to revise hourly emission limits based on maximum reheat furnace input. The following changes have been made:

- Condition 3(a)—“720,00” tons has been replaced with “720,000 tons.”
- Condition 7(c)—“does not” apply has been changed to “do not apply.”
- Condition 4(b)—The Steckel Mill reheat furnace hourly emission rates have been revised to reflect operations at maximum furnace heat input. The Department has verified the revised emission rates are consistent with modeled inputs (where applicable).

The previous and revised emission limits are as follows:

<i>Previously Hourly Emission</i>	<i>Revised Hourly Emission Limits</i>
0.09 lb SO <sub>2</sub>	0.2 lb SO <sub>2</sub>
16.62 lb NO <sub>x</sub>	29.2 lb NO <sub>x</sub>
3.06 lb CO	5.3 lb CO
0.82 lb VOC	1.5 lb VOC
1.14 lb PM <sub>10</sub>	2.0 lb PM <sub>10</sub>

**65-00659B: Betters Materials Corp.** (P. O. Box 721, Berkeley Springs, WV 25411) on July 29, 2002, for the Adamsburg Asphalt Plant in Hempfield Township, **Westmoreland County**. This plan approval was extended.

**Title V Operating Permits Issued under the Air Pollution Control Act (35 P. S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter G.**

*Northcentral Region: Air Quality Program, 208 West Third Street, Williamsport, PA 17701; Contact: Muhammad Zaman, Facilities Permitting Chief, (570) 327-3637.*

**49-00024: Sunbury Property, LLC (owner)/Knight-Celotex, LLC (operator)** (P. O. Box 267, 1400 Susquehanna Avenue, Sunbury, PA 17801) on July 29, 2002, to include terms and conditions for the operation of natural gas fired fiberboard dryer and regenerative thermal oxidizer constructed under Plan Approval 49-0013A at their facility in Sunbury, **Northumberland County**. This Title V Operating Permit contains all applicable regulatory requirements including monitoring, recordkeeping and reporting conditions.

*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**65-00137: Allegheny Ludlum Corp.** (100 River Road, Brackenridge, PA 15014) on July 31, 2002, for operation of a Facility Title V Operating Permit at their Vandergrift Facility in Vandergrift, **Westmoreland County**. The facility's major sources of emissions include anneal and pickle lines which emit major quantities of oxides of nitrogen, NOx.

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**Operating Permits for Non-Title V Facilities Issued under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code Chapter 127, Subchapter F.**

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*Southwest Region: Air Quality Program, 400 Waterfront Drive, Pittsburgh, PA 15222-4745; Contact: Mark Wayner, Facilities Permitting Chief, (412) 442-4174.*

**11-00353: Ebensburg Power Co.** (P. O. Box 857, Ebensburg, PA 15931-0845) on July 29, 2002, for a waste coal reprocessing and reclamation operation at the Revloc Waste Coal Site in Cambria Township, **Cambria County**.

**65-00909: Heckett MultiServ** (612 North Main Street, Butler, PA 16001) on July 31, 2002, to process steel slag such as refractory and metal at the Allvac-Latrobe Facility in Derry Township, **Westmoreland County**.

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**Operating Permit Revisions Issued including Administrative Amendments, Minor Modifications or Transfers of Ownership under the Air Pollution Control Act (35 P.S. §§ 4001—4015) and 25 Pa. Code §§ 127.412, 127.450, 127.462 and 127.464.**

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*Southeast Region: Air Quality Program, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428; Contact: Edward Brown, Facilities Permitting Chief, (610) 832-6242.*

**09-00076: Cartex Corp.** (200 Rock Run Road, Fairless Hills, PA 19030) for an administrative amendment to their operating permit to incorporate changes approved under Plan Approval No. 09-399-040 in Falls Township, **Bucks County**. The facility's major emission points include a boiler, make-up air units, urethane foam plant and TDI tanks. The amended Title V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

**46-00019: Lockheed Martin Corp.** (Bldg. 10, Room 2164, P. O. Box 8048, Philadelphia, PA, 19101-8048) for an administrative amendment to their operating permit to incorporate changes based on the appeal of the Title V Operating Permit, as well as to incorporate changes under Operating Permit Nos. 46-0030A and 46-302-213 in Upper Merion Township, **Montgomery County**. The facility's major emission points include boilers, generators and small miscellaneous VOC sources. The amended Title

V Operating Permit will contain additional monitoring, recordkeeping, reporting and work practice standards to keep the facility operating within all applicable air quality requirements.

## ACTIONS ON COAL AND NONCOAL MINING ACTIVITY APPLICATIONS

**Actions on applications under the Surface Mining Conservation and Reclamation Act (52 P.S. §§ 1396.1—1396.19a); the Noncoal Surface Mining Conservation and Reclamation Act (52 P.S. §§ 3301—3326); The Clean Streams Law (35 P.S. §§ 691.1—691.1001); the Coal Refuse Disposal Control Act (52 P.S. §§ 30.51—30.66); The Bituminous Mine Subsidence and Land Conservation Act (52 P.S. §§ 1406.1—1406.21). The final action on each application also constitutes action on the request for 401 Water Quality Certification and the NPDES permit application. Mining activity permits issued in response to the applications will also address the application permitting requirements of the following statutes; the Air Quality Control Act (35 P.S. §§ 4001—4015); the Dam Safety and Encroachments Act (32 P.S. §§ 693.1—693.27); and the Solid Waste Management Act (35 P.S. §§ 6018.101—6018.1003).**

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### Coal Permits Actions

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**54920201R2. Northeastern Power Company** (P. O. Box 7, McAdoo, PA 18237), renewal of an existing anthracite surface mine operation in Kline and Packer Townships, **Schuylkill and Carbon Counties** affecting 876.0 acres, receiving stream: none. Application received February 26, 2002. Renewal issued August 1, 2002.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**65970104 and NPDES Permit No. PA0202037. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit renewed for reclamation only at a bituminous surface mining site located in Mt. Pleasant Township, **Westmoreland County**, affecting 260.0 acres. Receiving streams: unnamed tributaries to Jacobs Creek and Jacobs Creek. Application received May 24, 2002. Reclamation only renewal issued July 30, 2002.

**03020104 and NPDES Permit No. PA0250091. Amerikohl Mining, Inc.** (202 Sunset Drive, Butler, PA 16001). Permit revised to upgrade an access road to a haul road at a bituminous surface/auger mine located in Valley and Kittanning Townships, **Armstrong County**, affecting 261.5 acres. Receiving streams: unnamed tributaries to Cowanshannock Creek to Allegheny River. Application received July 29, 2002. Revision issued July 31, 2002.

**03860108 and NPDES Permit No. PA0588695. State Industries, Inc.** (P. O. Box 1022, Kittanning, PA 16201). Permit renewed for continuous operation of bituminous surface mine located in East Franklin Township, **Armstrong County**, affecting 262 acres. Receiving streams: unnamed tributary to Limestone Run and unnamed tributary to Allegheny River. Application received May 28, 2002. Renewal permit issued August 2, 2002.

*Cambria District Mining Office: 286 Industrial Park Road, Ebensburg, PA 15931, (814) 472-1900.*

**32970108 and NPDES Permit No. PA0234494. KMP Associates, R. D. 2, Box 194, Avonmore, PA 15618,** permit renewal for reclamation only and for continued restoration of a bituminous surface and auger mine in Young and Conemaugh Townships, **Indiana County**, affecting 166.6 acres. Receiving streams: Harpers Run and unnamed tributary to Blacklegs Creek classified for the following uses: CWF. The first downstream potable water supply intake from the point of discharge is Avonmore-Kiskiminetas Intake. Application received July 10, 2002. Permit issued July 19, 2002.

**56970102 and NPDES Permit No. PA0234508. Hoffman Mining, Inc., P. O. Box 130, 118 Runway Road, Friedens, PA 15541,** permit renewal for reclamation only and for continued restoration of a bituminous surface mine in Paint Township, **Somerset County**, affecting 283.3 acres. Receiving streams: Weaver Run, unnamed tributary to Shade Creek, unnamed tributary to Roaring Fork classified for the following uses: CWF. There are no potable water supply intakes within 10 miles downstream. Application received July 10, 2002. Permit issued July 30, 2002.

*McMurray District Mining Office: 3913 Washington Road, McMurray, PA 15317, (724) 941-7100.*

**30831303. NPDES Permit PA0013511, RAG Cumberland Resources, L. P. (158 Portal Rd., P. O. Box 1020, Waynesburg, PA 15370),** to revise the permit for the Cumberland Mine in Whiteley Township, **Greene County** to add 21 ventilation boreholes, 2 stream crossings (fords) and additional 3.97 surface acres, Surface Acres Proposed 3.94, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, no additional discharges, classified for the following uses: N/A. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued July 31, 2002.

**30841317. NPDES Permit PA0213527, Consol Pennsylvania Coal Co. (P. O. Box 355, 172 Route 519, Eighty Four, PA 15330),** to revise the permit for the Enlow Fork Mine in Richhill Township, **Greene County** to add E-9 air shaft, Surface Acres Proposed 5.9, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, unnamed tributary to Short Run, classified for the following uses: WWF. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued July 31, 2002.

**30841307. NPDES Permit PA0213438, RAG Emerald Resources, L. P. (158 Portal Road, P. O. Box 1020, Waynesburg, PA 15370),** to revise the permit for the Emerald Mine No. 1 in Greene Township, **Greene County** to add 10.87 surface acres to install No. 5 bleeder shaft, Surface Acres Proposed 10.87, Underground Acres Proposed N/A, SCP Acres Proposed N/A, CRDP Support Acres Proposed N/A, CRDP Refuse Disposal Acres Proposed N/A, tributary to Frosty Run and Frosty Run to Whitely Creek, classified for the following uses: TSF. The first downstream potable water supply intake from the point of discharge is N/A. Permit issued August 1, 2002

#### *Noncoal Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**58020811. Robert R. Reddon (R. R. 2 Box 2637R, Susquehanna, PA 18847),** commencement, operation and restoration of a quarry operation in Jackson Township, **Susquehanna County**, affecting 5.0 acres. Receiving stream: South Branch Canawacta Creek. Application received April 1, 2002. Permit issued July 30, 2002.

**58020812. Shawn L. McNeice (R. R. 3 Box 294C, Meshoppen, PA 18630),** commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County**, affecting 3.0 acres. Receiving stream: Wellmans Creek and unnamed tributary to Meylert Creek. Application received April 1, 2002. Permit issued July 31, 2002.

**58020819. Robert G. Ross (P. O. Box 162, Hop Bottom, PA 18824),** commencement, operation and restoration of a quarry operation in Lathrop Township, **Susquehanna County**, affecting three 3.0 acres. Receiving stream: Martin Creek. Application received April 23, 2002. Permit issued July 31, 2002.

**58020825. Walter Konsur (R. R. 1 Box 481, Jackson, PA 18825),** commencement, operation and restoration of a quarry operation in Gibson Township, **Susquehanna County**, affecting 3 acres. Receiving stream: Tunkhannock Creek. Application received May 6, 2002. Permit issued July 31, 2002.

**58020810. Douglas P. Pascoe (R. R. 1 Box 1400, Hop Bottom, PA 18824),** commencement, operation and restoration of a quarry operation in New Milford Township, **Susquehanna County**, affecting 4 acres. Receiving stream: Smith Creek. Application received March 15, 2002. Permit issued August 1, 2002.

**58020816. Charles R. Zayleskie (R. R. 2 Box 2620, Brackney, PA 18812),** commencement, operation and restoration of a quarry operation in Choconut Township, **Susquehanna County**, affecting 1.0 acre. Receiving stream: Choconut Creek. Application received April 17, 2002. Permit issued August 1, 2000.

**21012801. John W. Nolt (199 Ridge Road, Newville, PA 17241),** commencement, operation and restoration of a quarry operation in North Newton Township, **Cumberland County**, affecting 5.0 acres. Receiving stream: Green Spring. Application received May 29, 2001. Permit issued August 1, 2002.

**40010801. Valley Seeding Co., Inc. (306 West County Road, Sugarloaf, PA 18249),** commencement, operation and restoration of a quarry operation in Sugarloaf Township, **Luzerne County**, affecting 3.0 acres. Receiving stream: none. Application received August 15, 2001. Permit issued August 1, 2002.

**58010844. Larry L. Decker (R. D. 1 Box 25, New Milford, PA 18834),** commencement, operation and restoration of a quarry operation in Harmony Township, **Susquehanna County**, affecting 5.0 acres. Receiving stream: Pigpen Creek. Application received August 17, 2001. Permit issued August 1, 2002.

**54020801. Sherwood B. Kimmel (1204 East Grand Avenue, Tower City, PA 17981),** commencement, operation and restoration of a quarry operation in Pine Grove Township, **Schuylkill County** affecting 3.0 acres, receiving stream: none. Application received February 26, 2002. Permit issued August 2, 2002.



## ACTIONS ON BLASTING ACTIVITY APPLICATIONS

**Actions on applications under the Explosives Acts of 1937 and 1957 (43 P.S. §§ 151–161); and 25 Pa. Code § 211.124 (relating to blasting activity permits). Blasting activity performed as part of a coal or noncoal mining activity will be regulated by the mining permit for that coal or noncoal mining activity.**

### *Blasting Permits Actions*

*Pottsville District Mining Office: 5 West Laurel Boulevard, Pottsville, PA 17901-2454, (570) 621-3118.*

**09024027. Allan A. Myers, L. P.** (P. O. Box 98, Worcester, PA 19490), construction blasting in Warminster Township, **Bucks County** with an expiration date of August 23, 2003. Permit issued July 29, 2002.

*Greensburg District Mining Office: Armbrust Building, R. R. 2 Box 603-C, Greensburg, PA 15601-0982, (724) 925-5500.*

**02024006. Secon Corp.** (2559 Washington Road, Upper St. Clair, PA 15241). Blasting activity permit for construction, located in Robinson Township, **Allegheny County**, with an expected duration of 30 days. Permit issued July 29, 2002.

**03024001. Terra Firm Construction** (621 Pine Run Road, Apollo, PA 15613). Blasting activity permit for construction, located in South Buffalo Township, **Armstrong County**, with an expected duration of 5 days. Permit issued August 5, 2002.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

## FEDERAL WATER POLLUTION CONTROL ACT SECTION 401

The Department of Environmental Protection (Department) has taken the following actions on previously received permit applications, requests for Environmental Assessment approval and requests for Water Quality

Certification under section 401 of the Federal Water Pollution Control Act (FWPCA) (33 U.S.C.A. § 1341(a)).

Except as otherwise noted, the Department certifies that the construction and operation herein described will comply with the applicable provisions of sections 301–303, 306 and 307 of the FWPCA (33 U.S.C.A. §§ 1311–1313, 1316 and 1317) and that the construction will not violate applicable Federal and State Water Quality Standards.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501–508 and 701–704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P. O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

**Actions on applications for the following activities filed under the Dam Safety and Encroachments Act (32 P.S. §§ 693.1–693.27), section 302 of the Flood Plain Management Act (32 P.S. § 679.302) and The Clean Streams Law (35 P.S. §§ 691.1–691.702) and Notice of Final Action for Certification under section 401 of the Federal Water Pollution Control Act (33 U.S.C.A. § 1341(a)).** (Note: Water Obstruction and Encroachment Permits issued for Small Projects do not include 401 Certification, unless specifically stated in the description.)

### *Permits Issued and Actions on 401 Certifications*

## WATER OBSTRUCTIONS AND ENCROACHMENTS

*Southeast Region: Water Management Program Manager, Lee Park, Suite 6010, 555 North Lane, Conshohocken, PA 19428.*

**E09-828. K. Hovnanian Companies, Northeast, Inc.**, 301 Oxford Valley Road, Suite 804, Yardley, PA 19067, Northampton Township, **Bucks County**, ACOE Philadelphia District.

To perform the following activities associated with the proposed construction of The Woods at Northampton Residential Development located 500 feet northeast of the intersection of Jacksonville Road (SR 332) and Pulinski Road (Hatboro, PA Quadrangle N: 18.1 inches; W: 7.3 inches).

1. To remove an existing crossing and, in its place, to construct and maintain 56 linear feet of an 8-foot box



culvert road crossing and associated sewer utilities in and along an unnamed tributary to the Little Neshaminy Creek (WWF, MF) and 0.33 acre of adjacent wetlands (PEM).

2. To construct and maintain a road crossing by placing fill material in 0.01 acre of wetlands.

3. To remove an existing crossing and in its place, construct and maintain 76 linear feet of a 10-foot by 2-foot box culvert road crossing and associated sewer utilities in and along an unnamed tributaries to the Little Neshaminy Creek and 0.03 acre of adjacent wetlands (PEM).

4. To realign a 120 linear-foot reach of an unnamed tributary to the Little Neshaminy Creek and impact 0.07 acre of adjacent wetlands (PEM) by constructing and maintaining 78 linear feet of an 8.5-foot by 2-foot box culvert.

5. To construct and maintain water and sanitary sewer utility crossings which will temporarily impact 15 linear feet of an unnamed tributary to the Little Neshaminy Creek.

6. To construct and maintain an outfall structure associated with basin "B" along the bank of an unnamed tributary to the Little Neshaminy Creek.

The project proposes temporary and permanent impacts totaling 210 linear feet of watercourse and 0.44 acre of wetlands. Thee permittee shall compensate for wetland losses due to construction activities by constructing 0.89 acre of replacement wetlands onsite.

**E15-690. Steven Van Vliet**, 4276 State Road, Phoenixville, PA 19460, Charlestown Township, **Chester County**, ACOE Philadelphia District.

To construct a 359 square foot addition to an existing dwelling within the assumed 100-year floodway of Hartman Run, a tributary to the Pickering Creek (HQ-TSF). The project site is located approximately 130 feet northeast of the intersection of Union Hill Road and SR 0029 (Malvern, PA Quadrangle N: 17.20 inches; W: 5.80 inches).

**E46-887. Newport Beach Development Company, LLC**, 8105 Irvine Center Drive, Suite 700, Irvine, CA 92618, Upper Dublin Township, **Montgomery County**, ACOE Philadelphia District.

To perform the following activities along Pine Run (TSF) associated with the proposed LA Fitness Sports Club:

1. To install and maintain approximately 45 linear feet of 28-foot wide by an average 8-foot 6-inches rise open bottom concrete arch culvert and associated wingwalls. This work also includes the modification of the existing channel.

2. To install and maintain a temporary access road during construction.

3. To install and maintain four utility line crossings.

4. To install and maintain two outfall channels.

This site is located approximately 500 feet southwest of the intersection of Susquehanna Road and Dreshertown Road (Ambler, PA USGS Quadrangle N: 2.75 inches; W: 6.55 inches).

*Northeast Region: Water Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711-0790.*

**E64-225. Pennsylvania Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton,

PA 18501. Lake Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a road crossing of a tributary to Purdy Creek, consisting of an 8.0-foot x 6.0-foot reinforced concrete box culvert with its invert depressed 1.0 foot below streambed elevation. The project is located along SR 3040, Segment 0080, Offset 3170, approximately 0.8 mile downstream of Butler Pond (Lakeville, PA Quadrangle N: 12.4 inches; W: 8.0 inches).

**E64-229. Pennsylvania Department of Transportation, Engineering District 4-0**, P. O. Box 111, Scranton, PA 18501. Buckingham Township, **Wayne County**, Army Corps of Engineers Philadelphia District.

To remove the existing structure and to construct and maintain a 6-foot x 5-foot concrete box culvert, depressed 1-foot below stream bed elevation, across a tributary to Kinneyville Creek. The project is located on SR 4033 approximately 0.3 mile northeast of its intersection with SR 0247 (Lake Como, PA-NY Quadrangle N: 18.6 inches; W: 11.2 inches).

**E58-241. Monteforte Enterprises**, R. R. 2, Box 34, New Milford, PA 18834-9614. New Milford Township, **Susquehanna County**, Army Corps of Engineers Baltimore District.

To place fill in a de minimis area of wetlands equal to 0.02 acre, for the development of a hotel, conference center and retail center on a 16-acre site. The project is located on the west side of Township Road T-560, approximately 0.1 mile west of the SR 0081/SR 0848 interchange (Harford, PA Quadrangle N: 13.3 inches; W: 8.0 inches).

*Southcentral Region: Water Management Program Manager, 909 Elmerton Avenue, Harrisburg, PA 17110.*

**E38-132. North Cornwall Township**, 320 S. 18th Street, Lebanon, PA 17042 in North Cornwall Township and Cleona Borough, **Lebanon County**, ACOE Baltimore District

To remove the existing twin arch bridge and to construct and maintain a 28-foot by 5-foot concrete box culvert with an 85 degrees skew at the channel of Quittapahilla Creek (TSF) on T-414 (Dairy Road) located about 1.4 miles west of the City of Lebanon (Lebanon, PA Quadrangle N: 15.78 inches; W: 12.7 inches) in North Cornwall Township and Cleona Borough, Lebanon County.

*Northcentral Region: Water Management Program Manager, 208 West Third Street, Williamsport, PA 17701.*

**E41-505. Lycoming County Commissioners**, Lycoming County Courthouse, 48 West Third Street, Williamsport, PA 17701. Water Obstruction and Encroachment Permit Application, in Piatt Township, **Lycoming County**, ACOE Susquehanna River Basin District (Linden, PA Quadrangle N: 20.0 inches; W: 13.1 inches).

To remove an existing structure and construct and maintain a two span concrete adjacent box beam bridge having a span of 143 feet and a minimum underclearance of 14.25 feet with a skew of 90° in Larry's Creek (WWF, TSF, Wild Trout). The project is located along T-365 along the intersection of T-365 and SR 0287 in Piatt Township, Lycoming County. This permit also authorizes the construction, operation, maintenance and removal of temporary cofferdams. All temporary structures shall be constructed of clean rock that is free of fines. Upon completion of bridge construction, all temporary structures shall be removed with the areas of river channel

and floodplain restored to original geometry, contours and elevations. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E49-262. Pennsylvania Department of Transportation, Engineering District 3-0**, P. O. Box 218, Montoursville, PA 17754-0218. Water Obstruction and Encroachment Permit Application, in Point Township, **Northumberland County**, ACOE Susquehanna River Basin District (Northumberland, PA Quadrangle N: 9.5 inches; W: 5.1 inches).

To remove three existing corrugated metal culvert pipes and construct and maintain three 36 foot by 24 inch by 42 inch concrete arch culverts in an unnamed tributary to Johnson Creek along SR 1024, Seg. 0030. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

**E59-430. Melissa Lindsey**, R. R. 1 Box 299, Canton, PA 17724. Bridge Crossing, in Rutland Township, **Tioga County**, ACOE Baltimore District (Rutland, PA Quadrangle N: .1 inch; W: .9 inch).

To construct, operate and maintain a single-family residence bridge crossing with a 5-foot underclearance and a span of 33 feet. The crossings south approach shall maintain the existing over bank elevations for additional high water flood relief. This crossing is located on Bailey Creek, 1 mile northeast of the intersection with SR 549 and SR 1011. This permit was issued under section 105.13(e) "Small Projects." This permit also includes 401 Water Quality Certification.

*Southwest Region: Water Management Program Manager, 400 Waterfront Drive, Pittsburgh, PA 15222-4745.*

**E02-1373. North Boros Veterinary Hospital**, 2255 Babcock Boulevard, Pittsburgh, PA 15237. Ross Township, **Allegheny County**, ACOE Pittsburgh District.

To remove an existing retaining wall and to construct and maintain a new retaining wall along the left bank side of Girty's Run (WWF) for a distance of approximately 80 feet. The project is located on the south side of Babcock Boulevard approximately 350 feet west of its intersection with Thompson Run Road (Glenshaw, PA Quadrangle N: 2.0 inches; W: 16.7 inches).

**E02-1377. Pennsylvania Department of Transportation, Engineering District 11-0**, 45 Thoms Run Road, Bridgeville, PA 15017. North Fayette Township, **Allegheny County**, ACOE Pittsburgh District.

To operate and maintain the existing 72-inch x 63-inch corrugated metal pipe and the 12.0-foot extension on the upstream end of said culvert consisting of a 72-inch diameter culvert in an unnamed tributary to North Branch Robinson Run (WWF), to operate and maintain a rock lined outfall structure in an unnamed tributary to North Branch Robinson Run (WWF) and to operate and maintain 150.0 feet of relocated stream channel of an unnamed tributary to North Branch Robinson Run (WWF). The project is located at the Hankey Farms Interchange of US 22 (SR 0022, Section A08). This project was originally authorized by Emergency Permit EP0202203 for the purpose of repairing a landslide (Oakdale, PA Quadrangle N: 11.2 inches; W: 11.5 inches).

**E02-1386. Fox Chapel Borough**, 401 Fox Chapel Road, Pittsburgh, PA 15238. Fox Chapel Borough, **Allegheny County**, ACOE Pittsburgh District.

To remove the existing retaining walls and to construct and maintain new retaining walls on the left and right banks of Squaw Run (HQ-WWF) for the purpose of stabilizing Squaw Run Road.

A retaining wall 55.0 feet in length along the right bank of Squaw Run located at the intersection of Squaw Run Road and Hunt Road (Glenshaw, PA Quadrangle N: 2.0 inches; W: 2.3 inches).

A retaining wall 35.0 feet in length along the left bank of Squaw Run located at the intersection of Squaw Run Road and the Pittsburgh Field Club driveway, approximately 700.0 feet upstream from the intersection of Squaw Run Road and Hunt Road (Glenshaw, PA Quadrangle N: 2.25 inches; W: 2.55 inches).

**E04-286. Beaver County Department of Engineering**, 810 Third Street, Beaver, PA 15009. Rochester Borough and Rochester Township, **Beaver County**, ACOE Pittsburgh District.

To remove the existing Frye Bridge (County Bridge No. 53) having a total span of 206.5 feet with a minimum underclearance of 42.0 feet across the channel of McKinley Run (WWF) and to stabilize and maintain the channel of said stream for the purpose of eliminating a safety hazard. The bridge is located on New York Avenue, just south of the intersection of New York Avenue and Vermont Avenue. This permit also authorizes the construction and maintenance of a temporary road crossing (Beaver, PA Quadrangle N: 15.3 inches; W: 4.9 inches).

**E32-440. Pennsylvania Electric Company, a First Energy Company**, 2800 Pottsville Pike, P. O. Box 16001, Reading, PA 19612-6001. East Wheatfield Township, **Indiana County**, ACOE Pittsburgh District.

To expand and maintain the existing Seward Substation by installing circuit breakers and support structures in the 100-year flood plain of Conemaugh River (WWF) for the purpose of accommodating the additional electrical equipment required for the new power plant located on the current Seward Station property. The project is located approximately 0.5 mile southwest of the town of Seward (New Florence, PA Quadrangle N: 5.8 inches; W: 4.2 inches).

**E65-787. Fred Ulishney, Jr.**, 1121 Sessi Road, Latrobe, PA 15650. Unity Township, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain a 40-foot long, 12-foot diameter pipe culvert (invert depressed 12 inches) in Fourmile Run (TSF), to provide access to property from Beatty County Road, at a point that is located approximately 1,000 feet north of SR 30. The project includes the construction and maintenance of 80 linear feet of rock riprap apron at the downstream end of the structure (Latrobe, PA Quadrangle N: 6.95 inches; W: 8.41 inches).

**E65-801. Greater Greensburg Sewage Authority**, P. O. Box 284, Greensburg, PA 15601-0248. South Greensburg Borough, **Westmoreland County**, ACOE Pittsburgh District.

To construct and maintain a 48-inch RCP storm sewer outfall along Jacks Run (WWF) as part of the replacement of an existing combined sewer system with separate stormwater sewer and sanitary sewer systems. The project is located on Huff Avenue off US Route 119 (Greensburg, PA Quadrangle N: 5.3 inches; W: 7.1 inches).

#### ENVIRONMENTAL ASSESSMENTS

*Central Office: Bureau of Waterways Engineering, Rachel Carson State Office Building, Floor 3, 400 Market Street, Harrisburg, PA 17105.*

**EA36-0013CO. Ambassadors for Christ, Inc.**, 3256 Lincoln Highway East, Paradise, PA 17562. Paradise Township, **Lancaster County**, ACOE Baltimore District.

To remove an existing jurisdictional dam across Eshleman Run (CWF), provide bank stabilization at the location of the dam and install grade control structures in the reservoir area upstream of the dam. Installation of a water intake structure and dredging of an existing off-stream pond to its original storage capacity also are proposed to maintain water for a mill race that is linked to the dam. The dam is located approximately 4,000 feet upstream of the Lincoln Highway (US Route 30) Bridge across Eshleman Run (New Holland, PA Quadrangle, N: 0.1 inch; W: 15.4 inches).

## SPECIAL NOTICES

### Plan Revision Approval under the Municipal Waste Planning Recycling and Waste Reduction Act of 1988, Act 101

*Northeast Region: Waste Management Program Manager, 2 Public Square, Wilkes-Barre, PA 18711.*

The Department of Environmental Protection (Department) approved the Luzerne County Municipal Waste Plan Revision on November 30, 2001.

Persons aggrieved by an action may appeal, under section 4 of the Environmental Hearing Board Act (35 P.S. § 7514) and 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law), to the Environmental Hearing Board, Second Floor, Rachel Carson State Office Building, 400 Market Street, P.O. Box 8457, Harrisburg, PA 17105-8457, (717) 787-3483. TDD users may contact the Environmental Hearing Board (Board) through the Pennsylvania Relay Service, (800) 654-5984. Appeals must be filed with the Board within 30 days of publication of this notice in the *Pennsylvania Bulletin*, unless the appropriate statute provides a different time period. Copies of the appeal form and the Board's rules of practice and procedure may be obtained from the Board. The appeal form and the Board's rules of practice and procedure are also available

in Braille or on audiotape from the Secretary to the Board at (717) 787-3483. This paragraph does not, in and of itself, create any right of appeal beyond that permitted by applicable statutes and decision law.

For individuals who wish to challenge an action, appeals must reach the Board within 30 days. A lawyer is not needed to file an appeal with the Board.

Important legal rights are at stake, however, so individuals should show this notice to a lawyer at once. Persons who cannot afford a lawyer may qualify for free pro bono representation. Call the Secretary to the Board at (717) 787-3483 for more information.

The plan revision is a public document and may be viewed at the Department Regional Office previously noted.

Questions concerning this approval should be directed to Sally Lohman, Chief, Waste Planning Section, Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Waste Minimization and Planning, P.O. Box 8472, Harrisburg, PA 17105-8472 or to Chris Fritz, Regional Planning and Recycling Coordinator, Bureau of Land Recycling and Waste Management at the previous Regional Office.

### Certification to Perform Radon-Related Activities in this Commonwealth

In the month of July 2002, the Department of Environmental Protection, under the authority contained in the Radon Certification Act (63 P.S. §§ 2001—2014) and 25 Pa. Code Chapter 240, has certified the following persons to perform radon-related activities in this Commonwealth. The period of certification is 2 years. For a complete list of persons currently certified to perform radon-related activities in this Commonwealth and for information as to the specific testing devices that persons certified for testing or laboratory are certified to use, contact the Bureau of Radiation Protection, Radon Division, P.O. Box 8469, Harrisburg, PA 17105-8469, (800) 23RADON.

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Roger Baker	1564 Dry Hollow Road Warriors Mark, PA 16877	Testing
Mark Bibbens	518 Westfield Drive Exton, PA 19341	Testing
Joseph Cocciardi	335 East Meadow Drive Mechanicsburg, PA 17055	Testing
Ralph D'Angelo	474 Burnley Lane Drexel Hill, PA 19026	Testing
Mark Dilts	2844 Slifer Valley Road Riegelsville, PA 18072	Mitigation
Paul Edwards	215 Kelso Circle Collegeville, PA 19426	Testing
Samuel Falcone	4204 Greenridge Road Pittsburgh, PA 15234	Testing

<i>Name</i>	<i>Address</i>	<i>Type of Certification</i>
Deborah Mancini-Wilson Safe-Gard Consolidated Inspection Services, Inc.	P. O. Box 748 Ingomar, PA 15127	Testing
Paul McGowan	14520 Otis Drive North Huntingdon, PA 15642	Mitigation
Scott Messner	2843 North Front Street Harrisburg, PA 17110	Mitigation
Gary Morrissey	202 President Avenue Rutledge, PA 19070	Testing
Steve Platz	2006 West 51st Street Erie, PA 16509	Testing
Jeffrey Porte	1962 Wager Road Erie, PA 16509	Testing and Laboratory
Radon Testing Corporation of America	2 Hayes Street Elmsford, NY 10523	Laboratory
Clarence Sisco Cape Atlantic, Inc.	P. O. Box 954 Blue Bell, PA 19422	Testing
Mark Thompson	379 Washington Street Duncansville, PA 16635	Testing
Robert Wilmoth	7350 Franklin Road Girard, PA 16417	Mitigation

[Pa.B. Doc. No. 02-1432. Filed for public inspection August 16, 2002, 9:00 a.m.]

## DEPARTMENT OF HEALTH

### Application of Carlisle Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Carlisle Regional Medical Center has requested an exception to the requirements of 28 Pa. Code § 107.62 (relating to oral orders).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Per-

sons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1433. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Application of Graduate Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Graduate Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1434. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Application of Grandview Surgery and Laser Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Grandview Surgery and Laser Center has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the following standard contained in this publication: 9.5.F2.d (relating to Class C operating room size).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1435. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Application of HealthSouth Surgery Center of Lancaster for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that HealthSouth Surgery Center of Lancaster has requested an exception to the requirements of 28 Pa. Code § 571.1 (relating to minimum standards), which requires compliance with minimum standards contained in the following publication: *Guidelines for Design and Construction of Hospital and Healthcare Facilities*. The facility specifically requests exemption from the

following standard contained in this publication: 9.5.F2.d (relating to Class C operating room size).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1436. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Application of Jeannette District Memorial Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Jeannette District Memorial Hospital has requested an exception to the requirements of 28 Pa. Code §§ 553.2, 553.3, 555.2—555.4 and 555.11—555.13.

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
Secretary

[Pa.B. Doc. No. 02-1437. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Application of Jefferson Regional Medical Center for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Jefferson Regional Medical Center has requested an exception to the requirements of 28 Pa. Code §§ 107.61 and 107.62 (relating to written orders; and oral orders).

These requests are on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1438. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Application of MCP Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that MCP Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT:

(717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1439. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Application of Nason Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Nason Hospital has requested an exception to the requirements of 28 Pa. Code § 137.21(b)(5) (relating to policies and procedures).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1440. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Application of Parkview Hospital for Exception

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Parkview Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1441. Filed for public inspection August 16, 2002, 9:00 a.m.]

### **Application of Warminster Hospital for Exception**

Under 28 Pa. Code § 51.33 (relating to requests for exceptions), the Department of Health (Department) hereby gives notice that Warminster Hospital has requested an exception to the requirements of 28 Pa. Code § 107.2 (relating to medical staff membership).

This request is on file with the Department. Persons may receive a copy of a request for exception by requesting a copy from Department of Health, Division of Acute and Ambulatory Care, Room 532, Health and Welfare Building, Harrisburg, PA 17120, (717) 783-8980, fax: (717) 772-2163, e-mail address: ra-paexcept@state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the division and address previously listed.

Comments received by the Department within 10 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Acute and Ambulatory Care at (717) 783-8980, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1442. Filed for public inspection August 16, 2002, 9:00 a.m.]

### **Availability of Draft Preventive Health and Health Services Block Grant Application for Federal Fiscal Year 2003**

The Department of Health (Department) is making copies available of the draft Preventive Health and Health Services Block Grant Application for FFY 2003 under 42 U.S.C.A. § 300w-4. This application is the Commonwealth's draft request to the United States Department of Health and Human Services for block grant funding to address the Healthy People 2010 Health Status Objectives.

The application describing proposed services, program goals and objectives and activities will be available on or after August 20, 2002, and can be obtained by calling the

Bureau of Chronic Diseases and Injury Prevention (Bureau) at (717) 787-6214. Persons with a disability who require an alternative format of the previously-mentioned application (for example, large print, audio tape or Braille) should also contact the Bureau at (717) 787-6214, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

A public hearing will be conducted by the Department for the purpose of receiving testimony on the previously-mentioned application in accordance with 42 U.S.C.A. § 300w-4. Comments and suggestions from the public should relate to the priorities and program plans included in the application.

The hearing will be held from 10 a.m. until 12 p.m., September 16, 2002, in Conference Room 1000, Health and Welfare Building, 7th and Forster Streets, Harrisburg, PA. Persons wishing to testify are requested to preregister by contacting the Bureau at (717) 787-6214. Registration will be accepted on the day of the hearing. Persons will be allotted a maximum of 15 minutes to testify. Testifiers should provide the Department with two copies of their testimony at the time of the hearing.

Written comments will be accepted and should be sent to the Bureau of Chronic Diseases and Injury Prevention, Room 933, Health and Welfare Building, P. O. Box 90, Harrisburg, PA 17108, and should be received by 4 p.m. on September 20, 2002.

Persons with a disability who wish to comment in alternative format or who desire to attend the meeting and require an auxiliary aid (for example, large print, audio tape or Braille) should notify the Bureau at (717) 787-6214, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1443. Filed for public inspection August 16, 2002, 9:00 a.m.]

### **Hearing Aid Advisory Council Meeting**

The Hearing Aid Advisory Council, established by section 201 of the Hearing Aid Sales Registration Law (35 P. S. § 6700-201) is scheduled to hold a meeting on September 27, 2002, from 9 a.m. to 12 p.m. at 132 Kline Plaza, Suite A, Harrisburg, PA 17104.

For additional information or persons with a disability who wish to attend the meeting and require an auxiliary aid, service or other accommodation to do so should contact John Hair, Director of the Bureau of Community Program Licensure and Certification at (717) 783-8665, V/TT: (717) 783-6514 or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT).

This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1444. Filed for public inspection August 16, 2002, 9:00 a.m.]

## Requests for Exception; Long-Term Care Nursing Facilities

The following long-term care nursing facilities are seeking an exception to 28 Pa. Code § 205.6(a) (relating to function of building):

Frey Village  
1020 North Union Street  
Middletown, PA 17057-2199

Susquehanna Lutheran Village  
990 Medical Center Road  
Millersburg, PA 17061

These requests are on file with the Department of Health (Department). Persons may receive a copy of a request for exception by requesting a copy from Division of Nursing Care Facilities, Room 526, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-1816, fax: (717) 772-2163, e-mail address: paexcept@health.state.pa.us.

Those persons who wish to comment on an exception request may do so by sending a letter by mail, e-mail or facsimile to the Division and address previously listed.

Comments received by the Department within 15 days after the date of publication of this notice will be reviewed by the Department before it decides whether to approve or disapprove the request for exception.

Persons with a disability who wish to obtain a copy of a request and/or provide comments to the Department and require an auxiliary aid, service or other accommodation to do so, should contact Director, Division of Nursing Care Facilities at the number previously listed, V/TT: (717) 783-6514 for Speech and/or Hearing Impaired Persons or the Pennsylvania AT&T Relay Service at (800) 654-5984 (TT).

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1445. Filed for public inspection August 16, 2002, 9:00 a.m.]

## Traumatic Brain Injury Advisory Board Meeting

The Traumatic Brain Injury Advisory Board, established under the Federal Traumatic Brain Injury Act of 1996 (Pub. L. No. 104-66), will hold a public meeting on Wednesday, September 5, 2002. The meeting will be held at the Department of Education, Heritage B Conference Room, 333 Market Street, Harrisburg, PA, from 10 a.m. to 3 p.m.

For additional information, contact Elaine M. Terrell, Director, Head Injury Program, Division of Child and Adult Health Services at (717) 772-4959.

Persons with a disability who wish to attend the meeting and require auxiliary aid, service or other accommodation to do so should contact the Head Injury Program at (717) 772-4959, V/TT (717) 783-6514 for speech and/or hearing impaired persons or the Pennsylvania AT&T Relay Services at (800) 654-5984 (TT). This meeting is subject to cancellation without notice.

ROBERT S. ZIMMERMAN, Jr.,  
*Secretary*

[Pa.B. Doc. No. 02-1446. Filed for public inspection August 16, 2002, 9:00 a.m.]

# DEPARTMENT OF REVENUE

## Pennsylvania Green Stuff Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Green Stuff.

2. *Price:* The price of a Pennsylvania Green Stuff instant lottery game ticket is \$1.00.

3. *Play Symbols:* Each Pennsylvania Green Stuff instant lottery game ticket will contain one play area featuring a "Winning Number" area and a "Your Numbers" area. The play symbols and their captions, printed in black ink, located in the "Winning Number" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN). The play symbols and their captions, printed in either green or black ink, located in the "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE) and 10 (TEN).

4. *Prize Play Symbols:* The prize play symbols and their captions, printed in black ink, located in the "Your Numbers" area are: \$1.<sup>00</sup> (ONE DOL), \$2.<sup>00</sup> (TWO DOL), \$4.<sup>00</sup> (FOR DOL), \$5.<sup>00</sup> (FIV DOL), \$10.<sup>00</sup> (TEN DOL), \$20\$ (TWENTY), \$40\$ (FORTY), \$80\$ (EIGHTY), \$200 (TWO HUN) and \$1,000 (ONE THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$4, \$5, \$8, \$10, \$20, \$40, \$80, \$200 and \$1,000. The player can win up to five times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 12,000,000 tickets will be printed for the Pennsylvania Green Stuff instant lottery game.

7. *Determination of Prize Winners:*

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches the "Winning Number" play symbol and a prize play symbol of \$1,000 (ONE THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches the "Winning Number" play symbol and a prize play symbol of \$200 (TWO HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$200.

(c) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches the "Winning Number" play symbol and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$80.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches the "Winning Number" play symbol and a prize play symbol of \$80\$ (EIGHTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$80.



(e) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches the "Winning Number" play symbol and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches the "Winning Number" play symbol and a prize play symbol of \$40\$ (FORTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$40.

(g) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches the "Winning Number" play symbol and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches the "Winning Number" play symbol and a prize play symbol of \$20\$ (TWENTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20.

(i) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches the "Winning Number" play symbol and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches the "Winning Number" play symbol and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(k) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches the "Winning Number" play symbol and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches the "Winning Number" play symbol and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(m) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches the "Winning Number" play symbol and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches the "Winning Number" play symbol and a prize play symbol of \$4<sup>00</sup> (FOR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$4.

(o) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in green ink, matches the "Winning Number" play symbol and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches the "Winning Number" play symbol and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(q) Holders of tickets upon which any one of the "Your Numbers" play symbols, printed in black ink, matches the "Winning Number" play symbol and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

*When any of Your  
Numbers Match  
The Winning  
Number, Win With  
Prize(s) of:*

	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$1	\$1	1:12	1,000,000
\$2	\$2	1:42.86	280,000
\$1 w/Green	\$2	1:17.65	680,000
\$1 × 2	\$2	1:60	200,000
\$4	\$4	1:300	40,000
\$2 w/Green	\$4	1:60	200,000
\$1 × 4	\$4	1:300	40,000
\$2 × 2	\$4	1:300	40,000
\$5	\$5	1:600	20,000
\$1 × 5	\$5	1:600	20,000
\$2 w/Green + \$1	\$5	1:300	40,000
\$10	\$10	1:600	20,000
\$5 w/Green	\$10	1:200	60,000
\$2 × 5	\$10	1:600	20,000
\$5 × 2	\$10	1:600	20,000

*When any of Your  
Numbers Match  
The Winning  
Number, Win With  
Prize(s) of:*

<i>Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 12,000,000 Tickets</i>
\$4 w/Green + \$2	\$10	1:300	40,000
\$20	\$20	1:3,000	4,000
\$10 w/Green	\$20	1:3,000	4,000
\$4 × 5	\$20	1:3,000	4,000
\$5 × 4	\$20	1:3,000	4,000
\$10 × 2	\$20	1:3,000	4,000
\$40	\$40	1:24,000	500
\$20 w/Green	\$40	1:24,000	500
\$10 × 4	\$40	1:24,000	500
\$20 × 2	\$40	1:24,000	500
\$80	\$80	1:60,000	200
\$40 w/Green	\$80	1:60,000	200
\$20 × 4	\$80	1:60,000	200
\$200	\$200	1:240,000	50
\$40 × 5	\$200	1:240,000	50
\$80 × 2 + \$20 × 2	\$200	1:240,000	50
\$1,000	\$1,000	1:2,400,000	5
\$200 × 5	\$1,000	1:2,400,000	5

Green = Win double the prize shown

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Green Stuff instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Green Stuff, prize money from winning Pennsylvania Green Stuff instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Green Stuff instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Green Stuff or through normal communications methods.

LARRY P. WILLIAMS,  
Secretary

[Pa.B. Doc. No. 02-1447. Filed for public inspection August 16, 2002, 9:00 a.m.]

## Pennsylvania Jack O'Lantern Loot Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of

instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Jack O'Lantern Loot.

2. *Price:* The price of a Pennsylvania Jack O'Lantern Loot instant lottery game ticket is \$5.00.

3. *Play Symbols:*

(a) Each Pennsylvania Jack O'Lantern Loot instant lottery game ticket will contain three play areas known as "Game 1," "Game 2" and "Game 3" respectively. Each game has a different game play method and is played separately. Each Pennsylvania Jack O'Lantern Loot instant lottery game ticket will also contain a "Fast Cash Bonus" area.

(b) The play symbols and their captions located in the play area for "Game 1" are: \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$13\$ (THRTN), \$31\$ (TRY ONE), \$39\$ (TRY NIN), \$62\$ (SXY TWO), \$310 (THR HUNTEN) and \$31,000 (TRYONETHO).

(c) The play symbols and their captions located in the play area for "Game 2" are: Cat Symbol (CAT) and X Symbol (XXX).

(d) The play area for "Game 3" will contain a "Lucky Symbol" area and a "Your Symbols" area. The play symbols and their captions located in the "Lucky Symbol" area and the "Your Symbols" area are: Witch Hat Symbol (HAT), Pumpkin Symbol (PUMKIN), Spider Symbol (SPIDER), Skull Symbol (SKULL), Candelabra Symbol (CANDLE), Frog Symbol (FROG), Bat Symbol (BAT) and Snake Symbol (SNAKE).

4. *Prize Play Symbols:*

(a) The prize play symbols and their captions located in the "Prize" area for "Game 2" are: \$5.<sup>00</sup> (FIV DOL), \$6.<sup>00</sup> (SIX DOL), \$7.<sup>00</sup> (SVN DOL), \$10.<sup>00</sup> (TEN DOL), \$13\$ (THRTN), \$31\$ (TRY ONE), \$39\$ (TRY NIN), \$310 (THR HUNTEN) and \$31,000 (TRYONETHO).

(b) The prize play symbols and their captions located in the "Your Symbols" area for "Game 3" are: \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$7<sup>00</sup> (SVN DOL), \$10<sup>00</sup> (TEN DOL), \$13\$ (THRTN), \$78\$ (SVY EGT), \$310 (THRHUNTEN) and \$31,000 (TRYONETHO).

(c) The prize play symbols and their captions located in the "Fast Cash Bonus" area are: \$13\$ (THRTN), \$31\$ (TRY ONE) and NO BONUS (TRY AGAIN).

5. *Prizes.* The prizes that can be won in "Game 1" are \$5, \$6, \$7, \$10, \$13, \$31, \$39, \$62, \$310 and \$31,000. The prizes that can be won in "Game 2" are \$5, \$6, \$7, \$10, \$13, \$31, \$39, \$310 and \$31,000. The prizes that can be won in "Game 3" are \$5, \$6, \$7, \$10, \$13, \$78, \$310 and \$31,000. The prizes that can be won in the "Fast Cash Bonus" area are \$13 and \$31. The player can win up to seven times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 1,680,000 tickets will be printed for the Pennsylvania Jack O'Lantern Loot instant lottery game.

7. *Determination of Prize Winners.*

(a) Determination of prize winners for "Game 1" are:

(1) Holders of tickets with three matching play symbols of \$31,000 (TRYONETHO) in the play area, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets with three matching play symbols of \$310 (THRHUNTEN) in the play area, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets with three matching play symbols of \$62\$ (SXY TWO) in the play area, on a single ticket, shall be entitled to a prize of \$62.

(4) Holders of tickets with three matching play symbols of \$39\$ (TRY NIN) in the play area, on a single ticket, shall be entitled to a prize of \$39.

(5) Holders of tickets with three matching play symbols of \$31\$ (TRY ONE) in the play area, on a single ticket, shall be entitled to a prize of \$31.

(6) Holders of tickets with three matching play symbols of \$13\$ (THRTN) in the play area, on a single ticket, shall be entitled to a prize of \$13.

(7) Holders of tickets with three matching play symbols of \$10<sup>00</sup> (TEN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$10.

(8) Holders of tickets with three matching play symbols of \$7<sup>00</sup> (SVN DOL) in the play area, on a single ticket, shall be entitled to a prize of \$7.

(9) Holders of tickets with three matching play symbols of \$6<sup>00</sup> (SIX DOL) in the play area, on a single ticket, shall be entitled to a prize of \$6.

(10) Holders of tickets with three matching play symbols of \$5<sup>00</sup> (FIV DOL) in the play area, on a single ticket, shall be entitled to a prize of \$5.

(b) Determination of prize winners for "Game 2" are:

(1) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$31,000 (TRYONETHO) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal,

and a prize play symbol of \$310 (THRHUNTEN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$39\$ (TRY NIN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$39.

(4) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$31\$ (TRY ONE) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$31.

(5) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$13\$ (THRTN) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$13.

(6) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$10<sup>00</sup> (TEN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$10.

(7) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$7<sup>00</sup> (SVN DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$7.

(8) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$6<sup>00</sup> (SIX DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$6.

(9) Holders of tickets with three matching Cat Symbol (CAT) play symbols in the same row, column or diagonal, and a prize play symbol of \$5<sup>00</sup> (FIV DOL) in the "Prize" area for that game, on a single ticket, shall be entitled to a prize of \$5.

(c) Determination of prize winners for "Game 3" are:

(1) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$31,000 (TRYONETHO) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$31,000.

(2) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$310 (THRHUNTEN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$310.

(3) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$78\$ (SVY EGT) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$78.

(4) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$13\$ (THRTN) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$13.

(5) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$10<sup>00</sup> (TEN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$10.

(6) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$7.<sup>00</sup> (SVN DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$7.

(7) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$6.<sup>00</sup> (SIX DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(8) Holders of tickets where any one of the "Your Symbols" play symbols matches the "Lucky Symbol" play symbol and a prize play symbol of \$5.<sup>00</sup> (FIV DOL) appears under the matching "Your Symbols" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(d) Determination of prize winners for the "Fast Cash Bonus" area are:

(1) Holders of tickets with a prize play symbol of \$31\$ (TRY ONE) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$31.

(2) Holders of tickets with a prize play symbol of \$13\$ (THRTN) in the "Fast Cash Bonus" area, on a single ticket, shall be entitled to a prize of \$13.

8. *Number and Description of Prizes and Approximate Odds:* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Fast \$ Bonus</i>	<i>Match 3 Amts Game 1</i>	<i>Tic-Tac-Toe Game 2</i>	<i>Key # Match Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,680,000 Tickets</i>
	\$5			\$5	1:27.27	61,600
		\$5		\$5	1:27.27	61,600
			\$5	\$5	1:27.27	61,600
	\$6			\$6	1:150	11,200
		\$6		\$6	1:150	11,200
			\$6	\$6	1:300	5,600
	\$7			\$7	1:150	11,200
		\$7		\$7	1:150	11,200
			\$7	\$7	1:300	5,600
			\$5 × 2	\$10	1:31.58	53,200
	\$10			\$10	1:300	5,600
		\$10		\$10	1:300	5,600
		\$6		\$13	1:600	2,800
	\$6		\$7	\$13	1:600	2,800
	\$6	\$7		\$13	1:600	2,800
	\$7	\$6		\$13	1:600	2,800
	\$7		\$6	\$13	1:600	2,800
		\$7	\$6	\$13	1:600	2,800
\$13				\$13	1:42.86	39,200
	\$5	\$5	\$7 × 3	\$31	1:150	11,200
	\$13	\$13	\$5	\$31	1:150	11,200
\$13		\$13	\$5	\$31	1:120	14,000
\$13			\$6 × 3	\$31	1:120	14,000
	\$5	\$6	\$10 × 2	\$31	1:150	11,200
	\$10		\$7 × 3	\$31	1:150	11,200
\$31				\$31	1:150	11,200
\$13			\$13 × 2	\$39	1:4,000	420
\$13	\$6	\$7	\$13	\$39	1:4,000	420
	\$5	\$6	\$7 × 4	\$39	1:4,000	420
			\$7 × 3 + \$6 × 3	\$39	1:4,000	420
		\$39		\$39	1:6,316	266
\$31		\$31		\$62	1:60,000	28
	\$10	\$10	\$10 × 3 + \$6 × 2	\$62	1:60,000	28
\$13	\$5	\$5	\$13 × 3	\$62	1:60,000	28
\$31	\$10	\$7	\$7 × 2	\$62	1:60,000	28
	\$62			\$62	1:60,000	28
\$31		\$7	\$10 × 4	\$78	1:120,000	14
\$31	\$31	\$10	\$6	\$78	1:120,000	14
			\$13 × 6	\$78	1:120,000	14
	\$39	\$39		\$78	1:120,000	14
			\$78	\$78	1:120,000	14
	\$310			\$310	1:120,000	14
		\$310		\$310	1:120,000	14
			\$310	\$310	1:120,000	14

<i>Fast \$ Bonus</i>	<i>Match 3 Amts Game 1</i>	<i>Tic-Tac-Toe Game 2</i>	<i>Key # Match Game 3</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 1,680,000 Tickets</i>
	\$31,000			\$31,000	1:1,680,000	1
		\$31,000		\$31,000	1:1,680,000	1
			\$31,000	\$31,000	1:1,680,000	1

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Jack O'Lantern Loot instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Jack O'Lantern Loot, prize money from winning Pennsylvania Jack O'Lantern Loot instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Jack O'Lantern Loot instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Jack O'Lantern Loot or through normal communications methods.

LARRY P. WILLIAMS,  
Secretary

[Pa.B. Doc. No. 02-1448. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Pennsylvania Rake It In Instant Lottery Game

Under the State Lottery Law (72 P. S. §§ 3761-101—3761-314) and 61 Pa. Code § 819.203 (relating to notice of instant game rules), the Secretary of Revenue hereby provides public notice of the rules for the following instant lottery game:

1. *Name:* The name of the game is Pennsylvania Rake It In.

2. *Price:* The price of a Pennsylvania Rake It In instant lottery game ticket is \$2.00.

3. *Play Symbols:* Each Pennsylvania Rake It In instant lottery game ticket will contain one play area featuring one "Winning Numbers" area, one "Your Numbers" area and a "Bonus Box" area. The play symbols and their captions located in the "Winning Numbers" area and "Your Numbers" area are: 1 (ONE), 2 (TWO), 3 (THREE), 4 (FOUR), 5 (FIVE), 6 (SIX), 7 (SEVEN), 8 (EIGHT), 9 (NINE), 10 (TEN), 11 (ELEVN), 12 (TWLV), 13 (THRTN), 14 (FORTN), 15 (FIFTN) and 16 (SIXTN). The play symbols and their captions located in the "Bonus Box"

area are: Rake Symbol (RAKE), Leaf Symbol (LEAF), Acorn Symbol (ACRN), Corn Symbol (CORN), Barn Symbol (BARN) and Apple Symbol (APLE).

4. *Prize Play Symbols:* The prize play symbols and their captions located in the "Your Numbers" area are: \$1<sup>00</sup> (ONE DOL), \$2<sup>00</sup> (TWO DOL), \$3<sup>00</sup> (THR DOL), \$5<sup>00</sup> (FIV DOL), \$6<sup>00</sup> (SIX DOL), \$8<sup>00</sup> (EGT DOL), \$12\$ (TWELV), \$18\$ (EGHTN), \$25\$ (TWY FIV), \$36\$ (TRY SIX), \$50\$ (FIFTY), \$100 (ONE HUN), \$300 (THR HUN) and \$20,000 (TWY THO).

5. *Prizes:* The prizes that can be won in this game are \$1, \$2, \$3, \$5, \$6, \$8, \$12, \$18, \$25, \$36, \$50, \$100, \$300 and \$20,000. The player can win up to eight times on a ticket.

6. *Approximate Number of Tickets Printed for the Game:* Approximately 3,600,000 tickets will be printed for the Pennsylvania Rake It In instant lottery game.

#### 7. Determination of Prize Winners.

(a) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$20,000 (TWY THO) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$20,000.

(b) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$300 (THR HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$300.

(c) Holders of tickets with a Rake Symbol (RAKE) in the "Bonus Box" area, four prize play symbols of \$50\$ (FIFTY) and four prize play symbols of \$25\$ (TWY FIV) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$300.

(d) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$100 (ONE HUN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$100.

(e) Holders of tickets with a Rake Symbol (RAKE) in the "Bonus Box" area, five prize play symbols of \$18\$ (EGHTN), a prize play symbol of \$5<sup>00</sup> (FIV DOL), a prize play symbol of \$3<sup>00</sup> (THR DOL) and a prize play symbol of \$2<sup>00</sup> (TWO DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$100.

(f) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$50\$ (FIFTY) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$50.

(g) Holders of tickets with a Rake Symbol (RAKE) in the "Bonus Box" area, six prize play symbols of \$5<sup>00</sup> (FIV

DOL), a prize play symbol of \$12\$ (TWELV) and a prize play symbol of \$8<sup>00</sup> (EGT DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$50.

(h) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$36\$ (TRY SIX) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$36.

(i) Holders of tickets with a Rake Symbol (RAKE) in the "Bonus Box" area, four prize play symbols of \$8<sup>00</sup> (EGT DOL) and four prize play symbols of \$1<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$36.

(j) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$25\$ (TWY FIV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$25.

(k) Holders of tickets with a Rake Symbol (RAKE) in the "Bonus Box" area, three prize play symbols of \$5<sup>00</sup> (FIV DOL), two prize play symbols of \$3<sup>00</sup> (THR DOL), a prize play symbol of \$2<sup>00</sup> (TWO DOL) and two prize play symbols of \$1<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$25.

(l) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$18\$ (EGHTN) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$18.

(m) Holders of tickets with a Rake Symbol (RAKE) in the "Bonus Box" area, six prize play symbols of \$2<sup>00</sup> (TWO DOL) and two prize play symbols of \$3<sup>00</sup> (THR DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$18.

(n) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$12\$ (TWELV) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$12.

(o) Holders of tickets with a Rake Symbol (RAKE) in the "Bonus Box" area, four prize play symbols of \$2<sup>00</sup> (TWO DOL) and four prize play symbols of \$1<sup>00</sup> (ONE

DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$12.

(p) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$8<sup>00</sup> (EGT DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$8.

(q) Holders of tickets with a Rake Symbol (RAKE) in the "Bonus Box" area and eight prize play symbols of \$1<sup>00</sup> (ONE DOL) in the "Your Numbers" area, on a single ticket, shall be entitled to a prize of \$8.

(r) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$6<sup>00</sup> (SIX DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$6.

(s) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$5<sup>00</sup> (FIV DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$5.

(t) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$3<sup>00</sup> (THR DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$3.

(u) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$2<sup>00</sup> (TWO DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$2.

(v) Holders of tickets upon which any one of the "Your Numbers" play symbols matches either of the "Winning Numbers" play symbols and a prize play symbol of \$1<sup>00</sup> (ONE DOL) appears under the matching "Your Numbers" play symbol, on a single ticket, shall be entitled to a prize of \$1.

8. *Number and Description of Prizes and Approximate Odds.* The following table sets forth the approximate number of winners, amounts of prizes and approximate odds of winning:

<i>Win With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
\$1 × 2	\$2	1:8.33	432,000
\$2	\$2	1:16.67	216,000
\$2 + \$1	\$3	1:75	48,000
\$1 × 3	\$3	1:75	48,000
\$3	\$3	1:150	24,000
\$3 + \$2	\$5	1:1,500	2,400
\$2 × 2 + \$1	\$5	1:750	4,800
\$1 × 5	\$5	1:93.75	38,400
\$5	\$5	1:1,500	2,400
\$5 + \$3	\$8	1:1,500	2,400
\$3 × 2 + \$1 × 2	\$8	1:500	7,200
\$1 × 8 (Rake)	\$8	1:100	36,000
\$8	\$8	1:1,500	2,400

<i>Win With Prize(s) of:</i>	<i>Win</i>	<i>Approximate Odds</i>	<i>Approximate No. of Winners Per 3,600,000 Tickets</i>
\$8 + \$2 × 2	\$12	1:750	4,800
\$2 × 6	\$12	1:1,500	2,400
\$3 × 4	\$12	1:750	4,800
\$2 × 4 + \$1 × 4 (Rake)	\$12	1:375	9,600
\$12	\$12	1:1,500	2,400
\$12 + \$3 × 2	\$18	1:1,500	2,400
\$3 × 6	\$18	1:1,500	2,400
\$6 × 2 + \$3 × 2	\$18	1:1,500	2,400
\$2 × 6 + \$3 × 2 (Rake)	\$18	1:250	14,400
\$18	\$18	1:1,500	2,400
\$12 + \$8 + \$3 + \$2	\$25	1:1,500	2,400
\$5 × 5	\$25	1:1,500	2,400
\$5 × 4 + \$3 + \$2	\$25	1:1,500	2,400
\$5 × 3 + \$3 × 2 + \$2 + \$1 × 2 (Rake)	\$25	1:250	14,400
\$25	\$25	1:1,500	2,400
\$12 × 2 + \$2 × 6	\$36	1:4,800	750
\$8 × 4 + \$2 × 2	\$36	1:4,800	750
\$8 × 4 + \$1 × 4 (Rake)	\$36	1:326.09	11,040
\$36	\$36	1:12,000	300
\$12 × 4 + \$2	\$50	1:4,000	900
\$8 × 6 + \$2	\$50	1:6,000	600
\$5 × 6 + \$12 + \$8 (Rake)	\$50	1:1,200	3,000
\$50	\$50	1:12,000	300
\$18 × 5 + \$5 + \$3 + \$2 (Rake)	\$100	1:6,000	600
\$100	\$100	1:24,000	150
\$50 × 4 + \$25 × 4 (Rake)	\$300	1:45,000	80
\$300	\$300	1:360,000	10
\$20,000	\$20,000	1:1,200,000	3

(Rake) = Bonus play, rake wins all 8 prizes

9. *Retailer Incentive Awards:* The Lottery may conduct a separate Retailer Incentive Game for retailers who sell Pennsylvania Rake It In instant lottery game tickets. The conduct of the game will be governed by 61 Pa. Code § 819.222 (relating to retailer bonuses and incentives).

10. *Unclaimed Prize Money:* For a period of 1 year from the announced close of Pennsylvania Rake It In, prize money from winning Pennsylvania Rake It In instant lottery game tickets will be retained by the Secretary for payment to the persons entitled thereto. If no claim is made within 1 year of the announced close of the Pennsylvania Rake It In instant lottery game, the right of a ticket holder to claim the prize represented by the ticket, if any, will expire and the prize money will be paid into the State Lottery Fund and used for purposes provided for by statute.

11. *Governing Law:* In purchasing a ticket, the customer agrees to comply with and abide by the State Lottery Law (72 P. S. §§ 3761-101—3761-314), the regulations contained in 61 Pa. Code Part V (relating to State Lotteries) and the provisions contained in this notice.

12. *Termination of the Game:* The Secretary may announce a termination date, after which no further tickets from this game may be sold. The announcement will be disseminated through media used to advertise or promote Pennsylvania Rake It In or through normal communications methods.

LARRY P. WILLIAMS,  
*Secretary*

[Pa.B. Doc. No. 02-1449. Filed for public inspection August 16, 2002, 9:00 a.m.]

# DEPARTMENT OF TRANSPORTATION

## Finding Centre County

Under section 2002(b) of the Administrative Code of 1929 (71 P. S. § 512(b)), the Secretary of Transportation makes the following written finding:

The Department of Transportation plans to upgrade the existing Bellefonte Interchange (Exit 161 on I-80) to a high-speed interchange that will provide a direct freeway-to-freeway connection for I-80 and SR 0026 (potentially future I-99). This project is located in Spring, Marion and Boggs Townships in Centre County.

Information describing the project, together with the associated environmental analysis, is contained in the Environmental Evaluation Report that was prepared for this project.

No adverse environmental effect is likely to result from the construction of this project.

BRADLEY L. MALLORY,  
*Secretary*

[Pa.B. Doc. No. 02-1450. Filed for public inspection August 16, 2002, 9:00 a.m.]

## *Great Valley and Piedmont Region*

5. Milmorale, 1150 Church Road, Wyncote, Cheltenham Township, Montgomery County

6. Corker Hill, 1237 Garver Lane in Scotland, Greene Township, Franklin County

7. Millersburg Passenger Railroad Station, 127 W. Center Street, Millersburg, Dauphin County

8. Globe Knitting Mills, 660 and 694 E. Main Street, Norristown, Montgomery County

9. Lower Merion Academy, Cynwyd Elementary School, Bala Cynwyd Junior High School Complex, 506 Bryn Mawr Avenue, Lower Merion Township, Montgomery County

10. Suffolk Manor Apartments, 1414-1450 Clearview Street, Philadelphia

11. Lorraine Apartments, 699 N. Broad Street, Philadelphia

12. Jefferson Elementary School, Beech and Warren Streets, Pottstown, Montgomery County

## *Allegheny Plateau*

No nominations

BRENT D. GLASS,  
*Executive Director*

[Pa.B. Doc. No. 02-1451. Filed for public inspection August 16, 2002, 9:00 a.m.]

# HISTORICAL AND MUSEUM COMMISSION

## National Register Nominations to be Considered by the Historic Preservation Board

The Historic Preservation Board (Board) meeting to be held on September 10, 2002, will start at 9:45 a.m. in Room 515, Historical and Museum Commission, Third and North Streets, Harrisburg, PA. Individuals with a disability who wish to attend this meeting and require an auxiliary aid, service or other accommodation to participate, should contact Helena Johnson at (717) 783-2698 or through the Pennsylvania At&T Relay Service at (800) 654-5984 (TDD) to discuss how the Board can accommodate their needs. Persons with questions or comments should contact the Bureau for Historic Preservation at (717) 783-8946.

### *Anthracite Region and Poconos*

1. Delaware, Lackawanna and Western Railroad Station, Waring Drive, Borough of Delaware Water Gap, Monroe County

### *Southwestern Pennsylvania*

2. Citizens National Bank of Latrobe, 816 Ligonier Street, Westmoreland County

3. Aaron Building, Pittsburgh Street and Apple Street, City of Connellsville, Fayette County

### *Ridge and Valley*

4. Little League Baseball, Authentic Birthsite, 1717 Blaine Street, NE Corner of Memorial Park (Park Point), Williamsport, Lycoming County

# INSURANCE DEPARTMENT

## Application for Voluntary Surrender of Pennsylvania Certificate of Authority

Health Central, Inc. has submitted an application for approval to surrender its Pennsylvania Certificate of Authority to operate as a domestic health maintenance organization. Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Insurance Department (Department) within 17 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, 1345 Strawberry Square, Harrisburg, PA 17120, fax to (717) 787-8557 or e-mail to rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1452. Filed for public inspection August 16, 2002, 9:00 a.m.]

## Application for Voluntary Surrender of Pennsylvania Certificate of Authority

Health Central Preferred has submitted an application for approval to surrender its Pennsylvania Certificate of Authority to operate as a domestic risk assuming pre-



ferred provider organization that is not a licensed insurer. Persons wishing to comment on the grounds of public or private interest concerning the surrender are invited to submit a written statement to the Insurance Department (Department) within 17 days from the date of this issue of the *Pennsylvania Bulletin*. Written statements must include the name, address and telephone number of the writer, identification of the application to which the comment is addressed and a concise statement with sufficient detail to inform the Department of the exact basis of the comment and the relevant facts upon which it is based. Written statements should be directed to Robert Brackbill, Company Licensing Division, 1345 Strawberry Square, Harrisburg, PA 17120, fax (717) 787-8557 or e-mail to rbrackbill@state.pa.us.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1453. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Michael Donmoyer; Prehearing

#### **Appeal of Michael Donmoyer under the Motor Vehicle Financial Responsibility Law; Catastrophic Loss Benefits Continuation Fund; Doc. No. CF02-07-016**

A prehearing conference is scheduled for September 19, 2002, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. A hearing shall occur on October 3, 2002, at 10 a.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh Street, Harrisburg, PA 17102. At the prehearing conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter. Pending hearing, parties shall exchange proposed exhibits, the names of witnesses and provide an offer of proof with respect to each witness and informally attempt to resolve undisputed facts by stipulation.

On or before September 5, 2002, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to the hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to

support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 25, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answers to petitions to intervene, if any, shall be filed on or before October 1, 2002.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodations to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1454. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Erie Insurance Exchange; Private Passenger Auto Insurance Rate and Rule Revision

On August 2, 2002, the Insurance Department (Department) received from Erie Insurance Exchange a filing for a proposed rate level and rule change for private passenger automobile insurance.

The company requests an overall 3.9% increase amounting to \$28.395 million annually to be effective January 1, 2003.

Unless formal administrative action is taken prior to October 1, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Xiaofeng Lu, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at xlu@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1455. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Victoria Evereklian; Prehearing

#### **Appeal of Victoria Evereklian under 40 P. S. §§ 991.2101—991.2193; Doc. No. HC02-07-032**

A prehearing telephone conference initiated by this office is scheduled for September 18, 2002, at 2 p.m. Each party shall provide a telephone number to be used for the telephone conference to the Hearings Administrator on or before August 16, 2002. A hearing shall occur on October 2, 2002, at 2 p.m. in Room 200, Administrative Hearings Office, Capitol Associates Building, 901 North Seventh

Street, Harrisburg, PA 17102. At the prehearing telephone conference, the parties shall be prepared to discuss settlement, stipulations, witnesses and the documents anticipated for use at the hearing, estimated time for the hearing, special evidentiary or legal issues and other matters relevant to the orderly, efficient and just resolution of this matter.

On or before August 16, 2002, each party shall file with the Administrative Hearings Office via facsimile at (717) 787-8781 and serve upon the other party by facsimile an entry of appearance designating the lead attorney or representative to receive service or orders, filings and communications in this matter, together with that person's address, telephone number and facsimile number. Each party shall similarly designate the lead attorney or representative who will attend the prehearing conference, if different than the person designated for service. Pending hearing, parties shall exchange proposed exhibits, the names of witnesses, and provide an offer of proof with respect to each witness, and informally attempt to resolve undisputed facts by stipulation. On or before September 4, 2002, each party shall file with the Administrative Hearings Office a prehearing statement which shall contain: (1) a comprehensive statement of undisputed facts to be stipulated between the parties; (2) a statement of additional contended facts; (3) names and address of witnesses along with the specialties of experts to be called; (4) a list of documents to be used at the hearing; (5) special evidentiary or other legal issues; and (6) the estimated time for that party's case. Contemporaneously with service of the prehearing statement on the opposing party, each party shall supply the other with a copy of any report generated by an expert witness designated on the prehearing statement. Any report subsequently received from a party's expert witness prior to hearing shall be supplied to the other party within 2 business days. Copies of expert reports need not be filed with the Administrative Hearings Office.

Except as established at the prehearing conference, both parties shall appear at the scheduled hearing prepared to offer all relevant testimony or other evidence. Each party must bring documents, photographs, drawings, claims, files, witnesses, and the like, necessary to support the party's case. A party intending to offer documents or photographs into evidence shall bring enough copies for the record and for each opposing party.

Motions preliminary to those at hearing, protests, petitions to intervene or notices of intervention, if any, must be filed on or before September 11, 2002, with the Hearings Administrator, Administrative Hearings Office, Capitol Associates Building, Room 200, 901 North Seventh Street, Harrisburg, PA 17102. Answer to petitions to intervene, if any, shall be filed on or before September 25, 2002.

Persons with a disability who wish to attend the previously referenced administrative hearing and require an auxiliary aid, service or other accommodation to participate in the hearing, should contact Tracey Pontius, Agency Coordinator at (717) 787-4298.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1456. Filed for public inspection August 16, 2002, 9:00 a.m.]

**Highmark Inc. d/b/a Highmark Blue Cross Blue Shield; Direct Pay 65 Plus I Prescription Drug Program Rate Increase; Filing No. 1-65P-02-HBCBS**

Highmark Inc. d/b/a Highmark Blue Cross Blue Shield, requests approval to increase the premium rates for its 65 Plus Prescription Drug Benefits Plan. The filing requests an increase of about 9.7% of current premium or \$10.60 per contract per month. This will affect about 22,600 contract holders and produce additional annual premium income of about \$2.9 million. The requested effective date of the change is January 1, 2003.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1457. Filed for public inspection August 16, 2002, 9:00 a.m.]

**Highmark Inc. d/b/a Highmark Blue Cross Blue Shield; Direct Pay Special Care Hospital Program; Filing No. 1-SSC-02-HBCBS**

Highmark Inc. d/b/a Highmark Blue Cross Blue Shield requests approval to increase its premium rates for its Direct Pay Special Care Hospital Plan. The filing requests an increase of 31.1% of current premium or an average of \$17.43 per contract per month. This will affect about 19,100 contract holders and produce additional annual premium income of about \$4 million. The requested effective date of the change is January 1, 2003.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional office in Harrisburg, PA.

Interested parties are invited to submit written comments, suggestions or objections to Rashmi Mathur, Actuary, Bureau of Accident and Health Insurance, Insurance Department, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1458. Filed for public inspection August 16, 2002, 9:00 a.m.]

**Independence Blue Cross and Pennsylvania Blue Shield; Non-Group Major Medical Rate Increase; Filing No. 5-P-02**

Independence Blue Cross and Pennsylvania Blue Shield submitted a proposal to adjust the premium rates for their Non-Group Major Medical programs. The proposed

rate adjustment will affect approximately 4,000 contracts and would produce additional annual premium income of \$1.17 million. A January 1, 2003, effective date is proposed.

Copies of the filing are available for public inspection during normal working hours, by appointment, at the Insurance Department's regional offices in Harrisburg and Philadelphia, PA.

Interested parties are invited to submit written comments, suggestions or objections to Bharat Patel, Actuary, Insurance Department, Accident and Health Bureau, Office of Rate and Policy Regulation, 1311 Strawberry Square, Harrisburg, PA 17120, within 30 days of publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1459. Filed for public inspection August 16, 2002, 9:00 a.m.]

### **Pennsylvania Medical Society Liability Insurance Company; Physicians and Surgeons Professional Liability; Rate and Rule Filing**

On August 1, 2002, the Insurance Department (Department) received from the Pennsylvania Medical Society Liability Insurance Company a filing for a rate level change in physicians and surgeons liability rates.

The company requests to increase primary base rates by an overall 59% effective January 1, 2003. Additionally, the company proposes to revise the Claims Made step factors, specialty and class relativities, territory definitions and relativities, increase limit factors for coverage in excess of \$1 million and other changes as described in the filing.

Unless formal administrative action is taken prior to October 30, 2002, the subject filing may be deemed approved by operation of law.

Copies of the filing will be available for public inspection, by appointment, during normal working hours at the Department's regional offices in Harrisburg, Philadelphia, Pittsburgh and Erie, PA.

Interested parties are invited to submit written comments, suggestions or objections to Ken Creighton, ACAS, Insurance Department, Bureau of Regulation of Rates and Policies, Room 1311, Strawberry Square, Harrisburg, PA 17120 (e-mail at kcreighton@state.pa.us) within 30 days after publication of this notice in the *Pennsylvania Bulletin*.

M. DIANE KOKEN,  
*Insurance Commissioner*

[Pa.B. Doc. No. 02-1460. Filed for public inspection August 16, 2002, 9:00 a.m.]

## **LEGISLATIVE REFERENCE BUREAU**

### **Documents Filed But Not Published**

The Legislative Reference Bureau (Bureau) accepted the following documents during the preceding calendar

month for filing without publication under 1 Pa. Code § 3.13(b) (relating to contents of Bulletin). The Bureau will continue to publish on a monthly basis either a summary table identifying the documents accepted during the preceding calendar month under this subsection or a statement that no documents have been received. For questions concerning or copies of documents filed, but not published, call (717) 783-1530.

### *Governor's Office*

Manual M110.2—2002-03 Rebudget Instructions, Dated June 2002.

Manual M505.5—Commercial Driver License Drug and Alcohol Testing and Licensing Requirements Administrative Manual, Amended May 30, 2002.

Management Directive No. 205.35—Information Reporting from the Commonwealth's Enterprise SAP Business Information Warehouse System, Dated July 6, 2002.

Management Directive No. 505.18—Maintenance, Access, and Release of Employee Information, Amended July 15, 2002.

Management Directive No. 615.3—Rates and Billing for Motor Vehicles of the Commonwealth Automotive Fleet, Amended June 26, 2002.

Management Directive No. 720.3—Guidelines for Preparing for, Responding to, and Reporting Emergencies at State Offices, Amended June 28, 2002.

Administrative Circular No. 02-18—2002-03 Rebudget Instructions, Dated June 28, 2002.

Administrative Circular No. 02-19—Relocation—Pennsylvania Emergency Management Agency Central Regional Office, Dated July 8, 2002.

Administrative Circular No. 02-20—Revised Revenue Estimates, 2002-03 Fiscal Year, Dated July 22, 2002.

GARY R. HOFFMAN,  
*Director*  
*Pennsylvania Bulletin*

[Pa.B. Doc. No. 02-1461. Filed for public inspection August 16, 2002, 9:00 a.m.]

## **LIQUOR CONTROL BOARD**

### **Expiration of Leases**

The following Liquor Control Board leases will expire:

Chester County, Wine & Spirits Shoppe #1512, 245 Lancaster Avenue, Malvern, PA 19355-1859.

*Lease Expiration Date:* August 31, 2006

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 6,000 net useable square feet of new or existing retail commercial space within East Whiteland Township.

*Proposals due:* September 6, 2002, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, 8305 Ridge Avenue, Philadelphia, PA 19128-2113  
**Contact:** Robert J. Jolly, (215) 482-9671

Bradford County, Wine & Spirits Shoppe #0803, 49 Canton Street, Troy, PA 16947-1417.

*Lease Expiration Date:* August 31, 2003

Lease retail commercial space to the Commonwealth. Proposals are invited to provide the Liquor Control Board with approximately 1,300 net useable square feet of new or existing retail commercial space within 3 miles of the intersection of US Route 6 and SR 14.

*Proposals due:* September 6, 2002, at 12 p.m.

**Department:** Liquor Control Board  
**Location:** Real Estate Division, Brandywine Plaza, 223 Paxton Church Road, Harrisburg, PA 17110-9661  
**Contact:** Charles D. Mooney, (717) 657-4228  
 JOHN E. JONES, III,  
*Chairperson*

[Pa.B. Doc. No. 02-1462. Filed for public inspection August 16, 2002, 9:00 a.m.]

## MILK MARKETING BOARD

### Hearing and Presubmission Schedule; Milk Marketing Area No. 1

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 1 on September 4, 2002, at 9 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing will be to receive testimony and exhibits concerning cost replacement in Milk Marketing Area No. 1. In accordance with section G of Official General Order A-890A (CRO 4), evidence will be limited to the following: annualized processing, packaging and delivery costs; updated costs for containers, ingredients (including eggnog) and Class II products; updated labor, utility and insurance costs based on comparisons between costs per point for corresponding quarters of calendar years 2001 and 2002 or annualized comparisons based on the most current available data; adjustments to announced Class II prices; and a reasonable rate of return to milk dealers. Evidence shall be based on the audited costs of a cross-section of milk dealers doing business in Milk Marketing Area No. 1.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Milk Marketing Area No. 1 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on August 20, 2002, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on August 20, 2002, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on August 23, 2002, each party shall file with the Board six copies and serve on all other parties one copy of:

a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness who will be offered as an expert shall be so identified, along with the witness' area or areas of proposed expertise.

b. Each exhibit to be presented, including testimony to be offered, in written form.

2. By 4 p.m. on August 29, 2002, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 20, 2002.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Relay Service for TDD users).

LYNDA J. BOWMAN,  
*Secretary*

[Pa.B. Doc. No. 02-1463. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Hearing and Presubmission Schedule; Milk Marketing Area No. 4

Under the provisions of the Milk Marketing Law (31 P. S. §§ 700j-101—700j-1302), the Milk Marketing Board (Board) will conduct a public hearing for Milk Marketing Area No. 4 on September 4, 2002, at 11 a.m. in Room 202, Agriculture Building, 2301 North Cameron Street, Harrisburg, PA.

The purpose of the hearing is to receive testimony and exhibits concerning cost replacement, as set forth in section G of Official General Order No. A-900. Testimony and exhibits will also be accepted relative to annualized comparisons of labor, utility and insurance costs based on the most current available data, the actual skim and butterfat contents of the regulated products, ingredient cost for egg nog, shrinkage and sales of bulk milk and bulk cream, cream processing costs and adjustments to announced Class II prices.

The staff of the Board is deemed to be a party to this hearing, and the attorney representing staff is deemed to have entered an appearance. Other persons that may be affected by the Board order fixing prices in Milk Marketing Area No. 4 may be included on the Board's list of parties by:

1. Having their counsel file with the Board, by 4 p.m. on August 20, 2002, a notice of appearance substantially in the form prescribed by 1 Pa. Code § 31.25 (relating to form of notice of appearance), which shall identify by name and address the party on whose behalf the appearance is made. Thereafter, documents and other written communications required to be served upon or furnished to that party shall be sent to the attorney of record.

2. If unrepresented by counsel and wishing to appear on their own behalf under 1 Pa. Code § 31.21 (relating to appearance in person), filing with the Board, by 4 p.m. on August 20, 2002, an address to which documents and other written communications required to be served upon them or furnished to them may be sent.

The parties shall observe the following requirements for advance filing of witness information and exhibits. The Board may exclude witnesses or exhibits of a party that fails to comply with these requirements. In addition, the parties shall have available in the hearing room at least 20 copies of each document for the use of nonparties attending the hearing.

1. By 4 p.m. on August 23, 2002, each party shall file with the Board seven copies and serve on all other parties one copy of:

- a. A list of witnesses who will testify for the party, along with a statement of the subjects concerning which each witness will testify. A witness offered as an expert shall be so identified, along with the witness's area or areas of proposed expertise.

- b. Each exhibit to be presented, including testimony to be offered, in written form.

2. By 4 p.m. on August 29, 2002, each party shall file and serve as set forth in paragraph 1 information concerning rebuttal witnesses and copies of rebuttal exhibits.

Parties who wish to offer in evidence documents on file with the Board, public documents or records in other proceedings before the Board or who wish the Board to take official notice of facts, shall comply with, respectively, 1 Pa. Code § 35.164, § 35.165, § 35.167 or § 35.173. Whenever these rules require production of a document as an exhibit, copies shall be provided to each Board member and to all other parties; in addition, at least 20 copies shall be available for distribution to nonparties attending the hearing.

Requests by parties for Board staff to provide data pertinent to the hearing shall be made in writing and received in the Board office by 4 p.m. on August 20, 2002.

The filing address for the Board is Milk Marketing Board, Room 110, Agriculture Building, 2301 North

Cameron Street, Harrisburg, PA 17110. Individuals who require this information in an alternate format should call (717) 787-4194 or (800) 654-5984 (Relay Service for TDD Users).

LYNDA J. BOWMAN,  
*Executive Secretary*

[Pa.B. Doc. No. 02-1464. Filed for public inspection August 16, 2002, 9:00 a.m.]

## PENNSYLVANIA PUBLIC UTILITY COMMISSION

### Petition to Join and for Relief under sections 251(f)(2) and 253(b) of the Telecommunications Act of 1996; Doc. No. P-00971177

On July 26, 2002, a group of rural telephone companies (Petitioners): Citizens Telephone Company of Kecksburg, Commonwealth Telephone Company, Frontier Communications of Canton, Inc., Frontier Communications of Breezewood, Inc., Frontier Communications of Pennsylvania, Inc., Frontier Communications of Lakewood, Inc., Frontier Communications of Oswayo River, Inc., TDS TELECOM/Mahanoy & Mahantango Telephone Company and TDS TELECOM/Sugar Valley Telephone Company, seek to join the Petition filed June 7, 2002, at the previously-captioned docket and seek the identical relief sought by those petitioners.

On June 7, 2002, petitioners at the previously-captioned docket requested a 36-month extension of the suspension from interconnection obligations under the Telecommunications Act of 1996. The Pennsylvania Public Utility Commission (Commission) has determined that publication and comment on this petition is appropriate. Interested parties must submit comments on the current petition for joinder and request for relief within 7 days of publication in the *Pennsylvania Bulletin*. Reply comments must be submitted within 14 days of publication in the *Pennsylvania Bulletin*.

Copies of the petition may be obtained from the Commission, Secretary's Bureau, upon request. The contact person is Elizabeth A. Lion Januzzi, Assistant Counsel, Law Bureau, (717) 772-0696.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1465. Filed for public inspection August 16, 2002, 9:00 a.m.]

### Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Publication of this notice shall be considered as sufficient notice to all carriers holding authority from this Commission. Applications will be considered without hearing in the absence of protests to the application. Protests to the applications published

herein are due on or before September 9, 2002, as set forth at 52 Pa. Code § 3.381 (relating to the applications for the transportation of property, household goods in use and persons). The protest shall also indicate whether it applies to the temporary authority application or the permanent application or both.

**Applications of the following for approval to *begin operating as common carriers* for transportation of persons as described under each application.**

**A-00107959, Folder 2. Lady Liberty Transportation, Co., Inc.** (1242 South 47th Street, City and County of Philadelphia, PA 19143), a corporation of the Commonwealth—persons in airport transfer service: (1) from points in the City and County of Philadelphia bounded on the north by Vine Street, on the south by South Street, on the east by the Delaware River and on the west by the Schuylkill River; then continuing on the west side of the said Schuylkill River, the northern boundary shall be Spring Garden Street, thence west on Spring Garden Street to Lancaster Avenue, thence west on Lancaster Avenue to Haverford Avenue, thence west on Haverford Avenue to 54th Street, thence south on 54th Street to Spruce Street; southern boundary shall be University Avenue, to Spruce Street near 38th Street, thence along Spruce Street to 54th Street in the City and County of Philadelphia, to the Philadelphia International Airport located in the City and County of Philadelphia and the Township of Tinicum, Delaware County; and (2) from points in the City and County of Philadelphia, located south and west of the Tacony/Frankford Creek, and that portion of Delaware County east of State Highway Route 252, to the Philadelphia International Airport located in the City and County of Philadelphia and the Township of Tinicum, Delaware County. Application for temporary authority has been filed at A-00107959, F. 2, seeking the right previously cited. *Attorney:* Robert J. Sugarman, Robert Morris Building, 11th Floor, 100 North 17th Street, Philadelphia, PA 19103.

**A-00119141, Folder 2. Hollywood Limousine Service, Inc.** (250 West Lincoln Highway, Penndel, Bucks County, PA 19047), a Pennsylvania corporation—persons in limousine service, between points in the Counties of Bucks and Montgomery, and from points in said counties, to points in Pennsylvania, and return. *Attorney:* Sharon E. Webb, P. O. Box 9500, Harrisburg PA 17108.

**Application of the following for *amendment* to the certificate of public convenience approving the operation of motor vehicles as *common carriers* for transportation of persons as described under each application.**

**A-00116691, Folder 1, Am-A. Assured Claimant Transport Service, Inc.** (57 East Main Street, Mechanicsburg, Cumberland County, PA 17055), a Pennsylvania corporation—persons in paratransit service, between points in the Counties of Adams, Cumberland, Dauphin, Franklin, Lancaster, Lebanon, Perry, Schuylkill and York, and from points in said territory, to points in Pennsylvania, and return; subject to the following condition: That the service shall be limited to the transportation of insurance claimants where compensation is remitted by the claimant or a third party entity: *So as to Permit* the transportation of persons in paratransit service, between points in Pennsylvania; subject to the following condition: That the service shall be limited to the transportation of

insurance claimants where compensation is remitted by the claimant or a third party entity. *Attorney:* Kenneth Zielonis, PO Box 11670, Harrisburg, PA 17108-1670.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1466. Filed for public inspection August 16, 2002, 9:00 a.m.]

**2003 Schedule of Filing Dates for Recovery of Purchased Gas Costs; Doc. No. L-840102**

Regulations promulgated by the Pennsylvania Public Utility Commission (Commission) in 52 Pa. Code § 53.64(a) (relating to filing requirements for natural gas distributors with gross intrastate annual operating revenues in excess of \$40 million) direct the Commission to annually publish a schedule of filing dates for jurisdictional gas utilities subject to the procedure of 66 Pa.C.S. § 1307(f) (relating to sliding scale of rates; adjustments) for the recovery of purchased gas costs.

The 2003 schedule of filing dates is as follows:

February 1, 2003: National Fuel Gas Distribution Corporation—Pennsylvania Division; T.W. Phillips Gas and Oil Company

March 1, 2003: Philadelphia Gas Works

April 1, 2003: Columbia Gas of Pennsylvania, Inc.; Peoples Natural Gas Company; Equitable Gas Company

June 1, 2003: P.G. Energy, Inc.; PECO—Gas Division; UGI Corporation; PFG Gas, Inc.

JAMES J. MCNULTY,  
*Secretary*

[Pa.B. Doc. No. 02-1467. Filed for public inspection August 16, 2002, 9:00 a.m.]

## PUBLIC SCHOOL EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 24 Pa.C.S. Part IV (relating to Public School Employees' Retirement Code), in connection with the Public School Employees' Retirement System's (System) denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the Public School Employees' Retirement System, 5 North Fifth Street, Harrisburg, PA 17101:

October 21, 2002	Samuel A. Defazio (Disability)	1:30 p.m.
October 28, 2002	Elizabeth M. Urffer (Disability Eligibility)	1:30 p.m.
November 6, 2002	K. Kelly Timashenka (D) (Death Benefit)	1 p.m.

Persons with a disability who wish to attend the previously listed hearings and require an auxiliary aid, service or other accommodation to participate in the

proceedings, should contact Marilyn Fuller-Smith, Assistant to the Executive Director, at (717) 720-4921 to discuss how the System may best accommodate their needs.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704 (relating to the Administrative Agency Law). Under 22 Pa. Code § 201.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure) unless specific exemption is granted.

DALE H. EVERHART,  
*Secretary*

[Pa.B. Doc. No. 02-1468. Filed for public inspection August 16, 2002, 9:00 a.m.]

## STATE EMPLOYEES' RETIREMENT BOARD

### Hearings Scheduled

Hearings have been scheduled, as authorized by 71 Pa.C.S. Part XXV (relating to State Employees' Retirement Code), in connection with the State Employees' Retirement System's denial of Claimants' requests concerning the indicated accounts.

The hearings will be held before a hearing examiner at the State Employees' Retirement System, 30 North Third Street, Fifth Floor, Harrisburg, PA 17101:

September 12, 2002	Colleen A. Okonieski (Denial of Reinstatement of Service Credits)	1 p.m.
September 18, 2002	Dwaine Mager (Deceased) (Contested Death Benefit)	1 p.m.

Parties may appear with or without counsel and offer relevant testimony or evidence to support their respective positions. The hearings will be held in accordance with the requirements of 2 Pa.C.S. §§ 501—508 and 701—704

(relating to the Administrative Agency Law). Under 4 Pa. Code § 250.1 (relating to applicability of general rules), procedural matters will be in conformance with 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure), unless specific exemption is granted.

JOHN BROSIUS,  
*Secretary*

[Pa.B. Doc. No. 02-1469. Filed for public inspection August 16, 2002, 9:00 a.m.]

## STATE ETHICS COMMISSION

### Public Meeting

The act of June 26, 1989 (P.L. 26, No. 9) (65 P.S. §§ 401—413), known as the Public Official and Employee Ethics Law (Ethics Law), requires that the State Ethics Commission (Commission) hold at least two public hearings each year to seek input from persons and organizations who represent any individual subject to the provisions of the law and from other interested parties.

The Commission will conduct a public meeting at the Sheraton Society Hill, 1 Dock Street (2nd and Walnut Streets), Philadelphia, PA on September 5, 2002, at 9 a.m. for purposes of receiving input and for the conduct of other Commission business. Public officials, public employees, organizations and members of the general public may attend.

Persons seeking to testify or present a statement, information or other comments in relation to the Ethics Law/Lobbying Disclosure Law or the regulations or operations of the Commission, should contact Claire J. Hershberger at (717) 783-1610 or (800) 932-0936. Written copies of statements should be provided at the time of the meeting.

DANEEN E. REESE,  
*Chairperson*

[Pa.B. Doc. No. 02-1470. Filed for public inspection August 16, 2002, 9:00 a.m.]

# STATE CONTRACTS INFORMATION

## DEPARTMENT OF GENERAL SERVICES

Act 266 of 1982 provides for the payment of interest penalties on certain invoices of "qualified small business concerns". The penalties apply to invoices for goods or services when payments are not made by the required payment date or within a 15 day grace period thereafter.

Act 1984-196 redefined a "qualified small business concern" as any independently owned and operated, for-profit business concern employing 100 or fewer employees. See 4 Pa. Code § 2.32. The business must include the following statement on every invoice submitted to the Commonwealth: "(name of business) is a qualified small business concern as defined in 4 Pa. Code 2.32."

A business is eligible for payments when the required payment is the latest of:

The payment date specified in the contract.

30 days after the later of the receipt of a proper invoice or receipt of goods or services.

The net payment date stated on the business' invoice.

A 15-day grace period after the required payment date is provided to the Commonwealth by the Act.

For more information: contact: Small Business Resource Center  
PA Department of Community and Economic Development  
374 Forum Building  
Harrisburg, PA 17120  
800-280-3801 or (717) 783-5700

### Reader's Guide



Legal Services & Consultation

① Service Code Identification Number

② Commodity/Supply or Contract Identification No.

**B-54137.** Consultant to provide three 2-day training sessions, covering the principles, concepts, and techniques of performance appraisal and standard setting with emphasis on performance and accountability, with a knowledge of State Government constraints.

Department: General Services

Location: Harrisburg, Pa.

Duration: 12/1/93-12/30/93

Contact: Procurement Division  
787-0000

③ Contract Information

④ Department

⑤ Location

⑥ Duration

⑦

(For Commodities: Contact:)  
Vendor Services Section  
717-787-2199 or 717-787-4705

### REQUIRED DATA DESCRIPTIONS

- ① Service Code Identification Number: There are currently 39 state service and contractual codes. See description of legend.
- ② Commodity/Supply or Contract Identification No.: When given, number should be referenced when inquiring of contract of Purchase Requisition. If more than one number is given, each number represents an additional contract.
- ③ Contract Information: Additional information for bid preparation may be obtained through the departmental contracting official.
- ④ Department: State Department or Agency initiating request for advertisement.
- ⑤ Location: Area where contract performance will be executed.
- ⑥ Duration: Time estimate for performance and/or execution of contract.
- ⑦ Contact: (For services) State Department or Agency where vendor inquiries are to be made.

(For commodities) Vendor Services Section (717) 787-2199 or (717) 787-4705



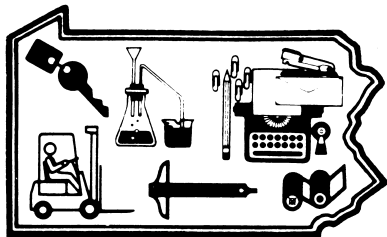
## GET A STEP AHEAD IN COMPETING FOR A STATE CONTRACT!

The Treasury Department's Bureau of Contracts and Public Records can help you do business with state government agencies. Our efforts focus on guiding the business community through the maze of state government offices. The bureau is, by law, the central repository for all state contracts over \$5,000. Bureau personnel can supply descriptions of contracts, names of previous bidders, pricing breakdowns and other information to help you submit a successful bid on a contract. We will direct you to the appropriate person and agency looking for your product or service to get you "A Step Ahead." Services are free except the cost of photocopying contracts or dubbing a computer diskette with a list of current contracts on the database. A free brochure, *"Frequently Asked Questions About State Contracts,"* explains how to take advantage of the bureau's services.

Contact: **Bureau of Contracts and Public Records**

Pennsylvania State Treasury  
Room G13 Finance Building  
Harrisburg, PA 17120  
717-787-2990  
1-800-252-4700

BARBARA HAFER,  
State Treasurer



### Commodities

**SU-02-06** Contractor to provide office copy paper listed or approved equal. 30% post consumer recycled dual purpose for use on laser printers and high speed copiers, must be able to run on both sides, 8 1/2 x 11, 20/10, white, 84 brightness, 86 opacity, 4.0 caliper, 150 smoothness, ream packing, packed 10 reams per carton, cartons to be shipped on pallets. Request for bid package may be faxed to (717) 477-1350, Shippensburg University.

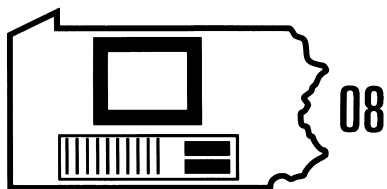
**Department:** State System of Higher Education

**Location:** Shippensburg University, Shippensburg, PA 17257

**Duration:** October 1, 2002 through May 31, 2003.

**Contact:** Mona M. Holtry (717) 477-1386

## SERVICES



### Computer Related Services

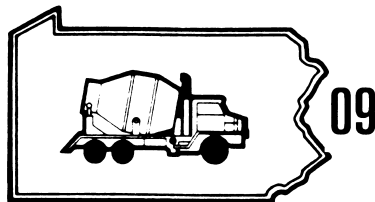
**SP3820024** Provide on-site database administrative services to support mission critical and diverse Oracle database implementations.

**Department:** Conservation and Natural Resources

**Location:** Harrisburg

**Duration:** 3 (three) year contract with option to renew for up to 2 (two) additional consecutive annual terms.

**Contact:** Pamela Stouffer (717) 783-4884



### Construction & Construction Maintenance

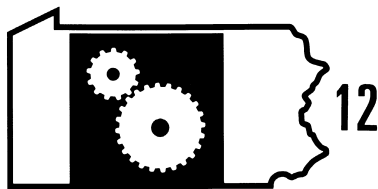
**401-BL-656** Old Science Hall Flooring: Provide all labor, material and equipment necessary to improve the flooring in Old Science Hall both in corridors and stairs. Work includes the removal of the existing floor tiles and stair treads and risers along with the removal of existing leveling bed to the wood floor. New work consists of prepping the existing concrete and wood floors and concrete stairs, installing new wood underlayment, and the installation of new floor tiles and stair treads and risers. To obtain a copy of the bid documents, please send a letter to Bloomsburg University, 400 E. Second Street, Bloomsburg, PA 17815 - Attn: Joe Quinn or fax a request to (570) 389-2017 by August 14, 2002 - there is no fee for plans & specs.

**Department:** State System of Higher Education

**Location:** Bloomsburg University, Bloomsburg, Pa. 17815

**Duration:** 160 Calendar Days

**Contact:** Joe Quinn (570) 389-4311

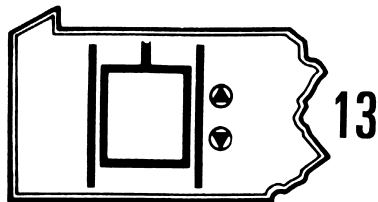


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### Drafting and Design Services

**RFP 2002 - WC771** West Chester University of Pennsylvania of the State System of Higher Education is issuing Request for Proposal (RFP) No. 2002 - WC771 for Addition and Renovation to Lawrence Dining Facility - Lawrence Building - Full Architectural/Engineering Design Services. The selected professional shall provide full architectural/engineering services to produce schematic design, design development, construction documentation and construction administration to complete the construction project. The estimated construction cost is \$3,550,000.00. The selected firm will have completed at least three like projects within the last 10 years. All applications submitted are subject to review by the University Selection/Negotiation Boards. The System Boards disclaim any liability whatsoever as to their review of the applications submitted and in formulating their recommendations for selection. All recommendations for selection made by the Board shall be final pursuant to the Act of November, 1982 (P.L. 660, No 188). Professionals may be required as part of the process to be interviewed by the Selections Board. If an interview is required the professional will be notified by the Board as to the date, time and place. The System encourages responses from small firms, minority firms, women owned firms, and firms which have not previously worked for the System, and will consider joint ventures which will enable these firms to participate in System professional services contracts. Non-Discrimination and Equal Opportunity are the policies of the Commonwealth and the State System of Higher Education. Interested professionals should obtain a RFP by faxing the request to 610-436-2720 or via e-mail at mpeffal@wcupa.edu. The RFP is due no later than 3 p.m. on September 9, 2002. Late responses will not be considered regardless of the reason.

**Department:** State System of Higher Education  
**Location:** West Chester University, West Chester, PA  
**Contact:** Marianne Peffell (610) 436-2705

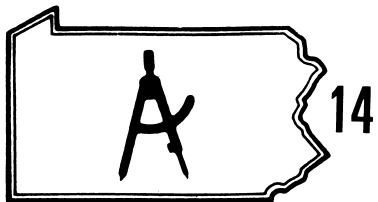


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### Elevator Maintenance

**8532** Furnish all labor, materials, and equipment to provide a complete service and preventive maintenance program for one (1) Schindler passenger elevator. Services shall include monthly scheduled preventive maintenance and servicing on the unit including all necessary additional service calls that are required.

**Department:** State Police  
**Location:** Troop F, Montoursville Headquarters, 899 Cherry Street, Montoursville, PA 17754  
**Duration:** 10/01/02 through 6/30/05  
**Contact:** Stacey Logan-Kent (717) 705-5952

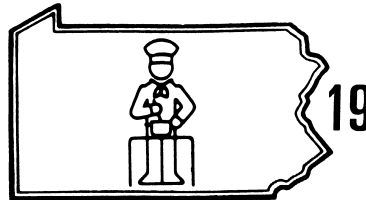


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### Engineering Services

**PennDOT-ECMS** The Pennsylvania Department of Transportation has established a website advertising for the retention of engineering firms. You can view these business opportunities by going to the Department of Transportation's Engineering and Construction Management System at [www.dot2.state.pa.us](http://www.dot2.state.pa.us).

**Department:** Transportation  
**Location:** Various  
**Contact:** [www.dot2.state.pa.us](http://www.dot2.state.pa.us)

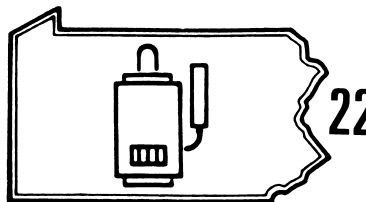


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### Food

**SU-02-05** Food Services: Head Start Program based at Shippensburg University is seeking vendors interested in providing food service for four Head Start Centers located in Shippensburg, PA; Newville, PA; Carlisle, PA; and one location yet to be determined. Meals will be prepared in accordance with USDA regulations and delivered on a daily basis in accordance with menu cycle. Contract award will be made for the period 10/1/02 through 9/30/03. Vendors interested in receiving a bid package must request in writing to Karen M. Smith, Shippensburg University, 1871 Old Main Drive, Shippensburg, PA 17257; (717) 477-1386 or Fax: (717) 477-1350.

**Department:** State System of Higher Education  
**Location:** Shippensburg University, Shippensburg Township, Shippensburg, PA  
**Duration:** One year after award  
**Contact:** Karen M. Smith, Purchasing Agent (717) 477-1386



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### HVAC Services

**053006** Service is for the installation, maintenance and repair of electrical systems throughout Lehigh County which includes services to its buildings and stockpiles and services along some roadways which are maintained by the Department. Contract will be for 1-3 year term with 1-2 year renewal.

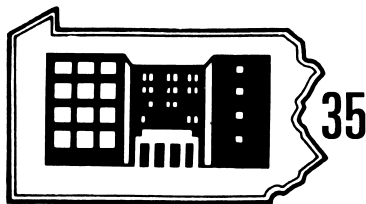
**Department:** Transportation  
**Location:** Lehigh County  
**Duration:** As listed above contract terms will be for 1-3 year term with 1-2 year renewal  
**Contact:** Daniel R. Graham (610) 798-4284

**08-056009** Contractor to supply electrical repairs throughout the stockpiles of Penn DOT's Maintenance District (5-6) located in Schuylkill County.

**Department:** Transportation  
**Location:** Pennsylvania Dept. of Transportation, 970 East Main Street, Schuylkill Haven, PA 17972  
**Duration:** This is a two year contract with one two year renewal.  
**Contact:** Jerry Richter Sr., Purchasing Agent (570) 385-0800

**4300-08319** Adamson STLE How Water Tank - 885 gallon storage capacity. Tank material to be carbon steel; tank lining to be dura-flex cement. 1 1/2" fiberglass insulation with 22 gauge metal jacket. Dimensions: 48" diameter X 120" OAL.

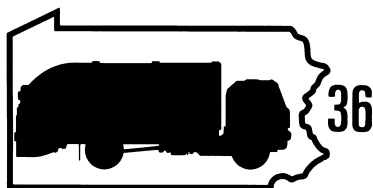
**Department:** Corrections  
**Location:** SCI Greene, 169 Progress Drive, Waynesburg, PA 15370  
**Duration:** Delivery of item by August 30, 2002.  
**Contact:** Laura Mohr, Purchasing Agent (724) 852-5534



### Real Estate Services

**93477** LEASE OFFICE/BARRACKS SPACE TO THE COMMONWEALTH OF PA. Proposals are invited to provide the PA State Police with 13,350 useable square feet of Office/Barracks space in Lehigh County, PA. with a minimum parking for 97 vehicles, to be located within (1) a 3 mile radius of the intersection of I-78 & Rt. 100, or (2) within a 3 mile radius of the intersection of I-78 and Rt. 222. For more information on SFP #93477 which is due on October 7, 2002 visit [www.dgs.state.pa.us](http://www.dgs.state.pa.us) or call (717) 787-4394.

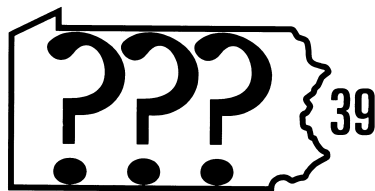
**Department:** State Police  
**Location:** 505 North Office Building, Harrisburg, PA 17125  
**Contact:** John Hocker (717) 787-4396



### Sanitation

**SP1128500-001** The basis for this proposal is an estimated service sewage collection and disposal at State Correctional Institution at Fayette. Specific data will be provided in the bid documents.

**Department:** Corrections  
**Location:** State Correctional Institution at Fayette, 421 LaBelle Road, East Millsboro, PA 15433  
**Duration:** November 1 2002 to June 30 2004  
**Contact:** James Crytzer (412) 761-1955 Ext. 260



### Miscellaneous

**6000-14549** FIREFIGHTING APPAREL: Twelve (12) Each-Fire Dex Express Coats; Twelve (12) Pairs-Fire Dex Express Pants; Six (6) Pairs-Ranger Fire Fighting Bunker Boots and Twenty-four (24) Pairs-Fire Dex Fire Fighting Gloves OR APPROVED EQUAL.

**Department:** Corrections  
**Location:** State Correctional Institution at Pittsburgh, 3001 Beaver Avenue, P. O. Box 99901, Pittsburgh, PA 15233  
**Duration:** 45 days after award of bid  
**Contact:** Carol Schaeffer/Purchasing Agent (412) 761-1955 Ext. 291

**1** Contemplated Sale of Land No Longer Needed For Transportation Purposes. Notice is hereby given that the Department of Transportation, pursuant to 71 P.S. § 513(e)(7), intends to sell certain land owned by it. Following is the property available for sale by the Department. 1) Towanda Borough, Bradford County. The parcel contains 13,221 square feet of unimproved land situated at the southeast corner of Bridge Street and Memorial Park Drive. Estimated fair market value is \$9,500.00. Interested public entities are invited to express their interest in purchasing the site within 30 calendar days from the date of publication of this notice to: Department of Transportation, P. O. Box 218, 715 Jordan Ave., Montoursville, PA 17754

**Department:** Transportation  
**Location:** Towanda Borough, Bradford County, southeast corner of Bridge Street and Memorial Park Drive  
**Duration:** 30 days  
**Contact:** Lenny P. Confer (570) 368-4337

**PGC-59-001** Agency is seeking bids for Canoe Camp Creek stream stabilization and riparian corridor project. The project site is located in Richmond Township, Tioga County, Pennsylvania. There are two components to this project. The first is earthwork, rock and crossings; the second is streambank fencing and cattle watering. Award will be made on total of both components. Specifics are included in bid package, which is available from the Pennsylvania Game Commission.

**Department:** Game Commission  
**Location:** Pennsylvania Game Commission, Automotive and Procurement Division, 2001 Elmerton Avenue, Harrisburg, PA 17110-9797  
**Duration:** From award through June 30, 2003  
**Contact:** Diane Shultz or Linda Beaver (717) 787-6594

[Pa.B. Doc. No. 02-1471. Filed for public inspection August 16, 2002, 9:00 a.m.]

## DESCRIPTION OF LEGEND

- |  |   |
|--|---|
| <p><b>1</b> Advertising, Public Relations, Promotional Materials</p> <p><b>2</b> Agricultural Services, Livestock, Equipment, Supplies &amp; Repairs: Farming Equipment Rental &amp; Repair, Crop Harvesting &amp; Dusting, Animal Feed, etc.</p> <p><b>3</b> Auctioneer Services</p> <p><b>4</b> Audio/Video, Telecommunications Services, Equipment Rental &amp; Repair</p> <p><b>5</b> Barber/Cosmetology Services &amp; Equipment</p> <p><b>6</b> Cartography Services</p> <p><b>7</b> Child Care</p> <p><b>8</b> Computer Related Services &amp; Equipment Repair: Equipment Rental/Lease, Programming, Data Entry, Payroll Services, Consulting</p> <p><b>9</b> Construction &amp; Construction Maintenance: Buildings, Highways, Roads, Asphalt Paving, Bridges, Culverts, Welding, Resurfacing, etc.</p> <p><b>10</b> Court Reporting &amp; Stenography Services</p> <p><b>11</b> Demolition—Structural Only</p> <p><b>12</b> Drafting &amp; Design Services</p> <p><b>13</b> Elevator Maintenance</p> <p><b>14</b> Engineering Services &amp; Consultation: Geologic, Civil, Mechanical, Electrical, Solar &amp; Surveying</p> <p><b>15</b> Environmental Maintenance Services: Well Drilling, Mine Reclamation, Core &amp; Exploratory Drilling, Stream Rehabilitation Projects and Installation Services</p> <p><b>16</b> Extermination Services</p> <p><b>17</b> Financial &amp; Insurance Consulting &amp; Services</p> <p><b>18</b> Firefighting Services</p> <p><b>19</b> Food</p> <p><b>20</b> Fuel Related Services, Equipment &amp; Maintenance to Include Weighing Station Equipment, Underground &amp; Above Storage Tanks</p> <p><b>21</b> Hazardous Material Services: Abatement, Disposal, Removal, Transportation &amp; Consultation</p> | <p><b>22</b> Heating, Ventilation, Air Conditioning, Electrical, Plumbing, Refrigeration Services, Equipment Rental &amp; Repair</p> <p><b>23</b> Janitorial Services &amp; Supply Rental: Interior</p> <p><b>24</b> Laboratory Services, Maintenance &amp; Consulting</p> <p><b>25</b> Laundry/Dry Cleaning &amp; Linen/Uniform Rental</p> <p><b>26</b> Legal Services &amp; Consultation</p> <p><b>27</b> Lodging/Meeting Facilities</p> <p><b>28</b> Mailing Services</p> <p><b>29</b> Medical Services, Equipment Rental and Repairs &amp; Consultation</p> <p><b>30</b> Moving Services</p> <p><b>31</b> Personnel, Temporary</p> <p><b>32</b> Photography Services (includes aerial)</p> <p><b>33</b> Property Maintenance &amp; Renovation—Interior &amp; Exterior: Painting, Restoration, Carpentry Services, Snow Removal, General Landscaping (Mowing, Tree Pruning &amp; Planting, etc.)</p> <p><b>34</b> Railroad/Airline Related Services, Equipment &amp; Repair</p> <p><b>35</b> Real Estate Services—Appraisals &amp; Rentals</p> <p><b>36</b> Sanitation—Non-Hazardous Removal, Disposal &amp; Transportation (Includes Chemical Toilets)</p> <p><b>37</b> Security Services &amp; Equipment—Armed Guards, Investigative Services &amp; Security Systems</p> <p><b>38</b> Vehicle, Heavy Equipment &amp; Powered Machinery Services, Maintenance, Rental, Repair &amp; Renovation (Includes ADA Improvements)</p> <p><b>39</b> Miscellaneous: This category is intended for listing all bids, announcements not applicable to the above categories</p> |
|--|---|

KELLY POWELL LOGAN,  
*Secretary*

**Contract Awards**

The following awards have been made by the Department of General Services, Bureau of Purchases:

<b>Requisition or Contract No.</b>	<b>PR Award Date or Contract Effective Date</b>	<b>To</b>	<b>In the Amount Of</b>
0007-01	08/02/02	Frank Parsons	\$35,000.00
0007-01	08/02/02	Unisource	74,781.00
0007-01	08/02/02	XpedX	79,000.00
9110-05	08/05/02	Consol Sales	166,800.00
9110-05	08/05/02	DiRenzo Coal	984,200.00
9110-05	08/05/02	Kobin Coal	2,985,279.30
9110-05	08/05/02	Rawlee Fuels	2,274,213.51
9110-05	08/05/02	Reading Anthracite	1,359,548.20
9110-05	08/05/02	South Tamaqua Coal Pockets	2,614,109.44
9110-05	08/05/02	Valley Coal LLC	667,901.40
9985-15 sup#5	08/07/02	Leaf Enterprises	50,000.00
8254180-01	08/05/02	U. S. Municipal Supply	124,950.00

KELLY POWELL LOGAN,  
*Secretary*

[Pa.B. Doc. No. 02-1472. Filed for public inspection August 16, 2002, 9:00 a.m.]